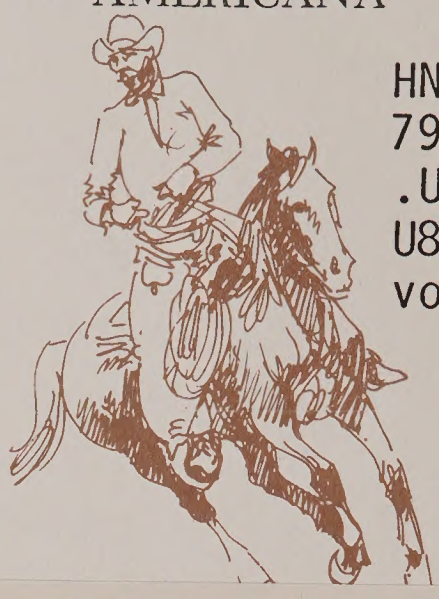

THE UTAH SURVEY

A Magazine Devoted to

Social, Civic, and Religious Questions

VOLUME 2 NUMBER 1

In Memoriam

Rt. Rev. Franklin Spencer Spalding

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O strong soul, by what shore
Tarriest thou now? For that force,
Surely, has not been left vain!
Somewhere, surely, afar,
In the sounding labour-house vast
Of being, is practised that strength,
Zealous, beneficent, firm!

—*Matthew Arnold.*

Biographical

Franklin Spencer Spalding was born March 13, 1865, in Erie, Pennsylvania, where his father was Rector of the old Parish Church of St. Paul's. The family removed to Denver in February, 1874, after his father had been elected Missionary Bishop of Colorado, Wyoming and New Mexico. Franklin, at this time, was about nine years old, the eldest of five children. He attended a Public School for a short time, but prepared for college in the Church School in Denver, Jarvis Hall, and entered Princeton College in the fall of 1883. He at once assumed that position of leader among his fellows, which has characterized his entire life, being one of those men, who without seeking any place for themselves, are naturally looked up to, trusted and respected by other people. He was commonly known by the sobriquet of "Old Popularity." In athletics he played third base on his class baseball nine, was captain of the "Scrub" football team and as substitute of the 'Varsity played in many important games, and he won twenty-three medals in jumping, pole-vaulting, hurdling, etc. He was the Managing Editor of the "Princetonian," the college daily paper, and a prominent debater of Whig Hall, winning first prize in the competitive "Lynde Debate," one of the highest honors contested for by the Senior class. He held important offices in the gift of his classmates, and during all his college course regularly conducted services in one of the small parishes in the vicinity of Princeton. After graduating in 1887, he spent some months in European travel and then taught a year in the Princeton Preparatory School.

Entering the General Theological Seminary in New York City in 1888, he graduated in 1891 with honor, hav-

ing engaged in Sunday School and Missionary work during his course.

During one of his vacations he had charge of the Church of the Good Shepherd in Colorado City, Colorado, and the following extract from a local paper shows his gifts as a speaker at that early period. "He is a young man of earnest, open convictions, his manner in the pulpit is collected and straightforward, speaking without notes and with a confidence that commands the closest attention from his hearers. The sermons at morning and evening services were listened to by an interested congregation and Mr. Spalding may feel grateful that he has taken the firm hold he evidently has upon the people. His efforts will surely reap a rich reward."

His leadership and influence in the Theological Seminary were so strong that six of his classmates gave themselves to the work of the Church in Colorado and were ordained Deacons with him in St. John's Cathedral, Denver, by his father, Bishop John Franklin Spalding, at the annual Council of Colorado in June 1891. His first parish was All Saints', Denver, where he is still beloved, as he was always and everywhere in each parish that was privileged to have him, even for a short period.

He never lost his love for athletics, and on Thanksgiving Day, 1891, in Denver, he played with the Denver Athletic Club, a game which has made him famous ever since in the records of football in Denver. The game was nearly won by the Golden School of Mines, when he kicked a goal from the field and won the game for the Denver team. A newspaper report says "The crowd was wild with enthusiasm and he was lifted high in the air and carried from one end to the other, his name rising in shouts from every lip".

At the request of the Chapter of the Diocese of Colorado he left All Saints' to take charge of Jarvis Hall, a Church School for boys, which was in great need of a strong principal. He continued there for four years, as principal and also the beloved Rector of St. Luke's Church, Montclair, when he accepted a call to his father's old Parish in Erie.

The four years at Jarvis Hall were years of hard work, for the School was badly run down, both morally and financially, but he threw himself into its upbuilding with all his might—organizing its athletics and raising the whole tone of the school. He was constantly meeting the old boys afterwards and receiving letters from them.

He had a great struggle deciding between the law and the ministry as a profession—once decided, he was always given the hardest places. Colorado City was filled with saloons and wickedness; All Saints' was burdened with debt and difficulties; Jarvis Hall was run down; St. Paul's, Erie, was thoroughly discouraged.

What he accomplished in Erie is to be seen partly in substantial buildings, but more in the deep and widespread influence which he exerted; so that when he was called away, enough could not be said or done to show everyone's love and gratitude and admiration. Everyone was simply and wholly devoted to him with a wholehearted love that is as keen today as when he left ten years ago, so that a memorial service recently held in St. Paul's packed the church to overflowing. He found a lethargic and disunited parish of nominally 500 members; he left a splendidly organized united parish of 950 communicants—with a careful accurate list, card catalogued, and with well kept books and up-to-date requisites. A parish house costing about $16,000.00 had been built and it became a perfect workshop. Its opening marked an epoch in city life. It was a social center; the large hall was in constant use for lectures, concerts and entertainments, and for all sorts of educational, stimulating and elevating activities. Its gymnasium was in continuous use and so were its club rooms and dining rooms and kitchen, for there were flourishing organizations for men and women and boys and girls.

Another building was the beautiful Memorial Church to his father, Bishop J. F. Spalding, begun by him as Trinity Mission and now an independent Parish. He never wanted fees, but chiefly with such gifts he built a holiday house for the parish.

What he accomplished in other ways could not be put into words. It is hard to write how universal and how strong was his influence and how loved he was by everyone. He worked in everything in the city that was for its betterment. He helped stop prize fights in person on the spot—he helped start the Juvenile Court. He preached to Labor Unions and to Capitalists. He addressed colleges and schools and ministerial alliances and threw himself into every righteous cause. He planned and carried out a children's Sunday afternoon service with special music and a girls' choir. He always sang and read the services with absolute self-forgetfulness and absorption and earnestness and led the life of the Church with steadfast enthusiasm. He gave himself unreservedly to anyone needing him—at all times and places, cheerful and patient—always in spite of innumerable interruptions. He always welcomed guests to his home and to his table—often those to whom napkins and forks were unknown. It was a marvel how he found time for everything; how he could receive cordially, long visits from men and women and long letters which he never failed to answer promptly, and these by the hundreds, and give to each his courteous and whole hearted and unbored

attention; for it was enough that anyone needed him or asked for him, for him to at once respond; and yet with all this, he found time to write out every sermon and address. He did this for he said a man must not let himself be lazy. He often had as many as seven services on a Sunday and always five. He visited all the sick and afflicted, had many weddings and funerals and baptisms and classes for confirmation, more than most men, and yet kept up with all the important magazines and papers and new books and art exhibits.

When he was called to be Bishop of the District of Salt Lake, all Erie was in mourning, even while there was general rejoicing that he was more widely appreciated, but they wept for themselves and their loss.

When he was called to the difficult new field with hardships and financial difficulties and problems with which he was all too familiar, hard as it was for him to consent, he said "If I am not willing to go, I am not worthy to stay." How he acquitted himself in the larger work, is more generally known and, being touched on in the Memorial Address, needs but a brief outline here.

His consecration as Bishop of Salt Lake took place in Erie on December 14, 1904, and he immediately gave himself to acquiring a knowledge of his field and the special problems that it presented. It was at first a task or habilitation and organization, for during the year that had elapsed since Bishop Leonard's death the affairs of the District had got in a bad way. With characteristic energy he set about the task, securing money to pay old debts, and build new churches, and finding men to occupy the old mission stations and open new work in his field. Until the fall of 1907 his district included Western Colorado and Eastern Nevada, as well as Utah, which has been the field since then. Such an impetus was given to the Church's work in those other parts of the district that they were then set off as separate missionary districts with their own bishops.

In Utah, during his administration, there were built the Bishop Leonard Memorial Home for Nurses at St. Mark's Hospital, a new school building and chapel at Rowland Hall, new churches at Logan, Provo, Duchesne and Magna, new rectories at Provo, Eureka, and Park City; and club houses for students at Logan, Vernal and the University of Utah in Salt Lake. Work was started in a half dozen new places, the staff of workers was more than doubled and the number of communicants increased over sixty per cent—a record which speaks for itself.

Bishop Spalding was not content, however, to be simply a great church organizer, but took always an active part in all work for social betterment. He was an active member of most of the great national organizations that

deal with questions of human welfare, such as tuberculosis, child labor, Indians, peace, etc., and he brought his large point of view to bear on local problems of a similar character. His participation in the Pan-Anglican Congress in England in 1908, helped greatly to make people in this country realize his power as a thinker and speaker on social problems. He threw himself heart and soul into the Peace movement.

In dealing with Mormonism he would have nothing to do with the method of abuse that many indulged in, but was anxious in speech and in print to acknowledge the good points of the system and at the same time to debate fairly the points of difference. For that reason his pamphlet, "Joseph Smith, Jr., as a Translator," received more consideration than has been given any similar publication.

He was vitally interested in the problems of labor, speaking often to groups of workers and labor organizations, and losing no opportunity, as a strong Marxian Socialist, to advocate the cause he believed in. The "Utah Survey," founded for the free discussion of present-day problems was one of the latest of his many interests.

This great life, still growing in power, was brought to an untimely close on September 25, 1914, when he was struck and instantly killed by an automobile while crossing a street in Salt Lake. It was a sad and heart-broken throng that filled St. Mark's Cathedral while the burial service was rendered with solemn dignity. And again in St. John's Cathedral, Denver, the impressive scene was re-enacted, for there, too, as in every place where he had been, Franklin Spencer Spalding was respected, admired, loved.

The Memorial Service

On Sunday, November first, All Saints' Day, a great crowd gathered in the Salt Lake Theatre, to pay honor to the memory of the Rt. Rev. Franklin Spencer Spalding, D. D., late Bishop of Utah. People from every walk in life, every religious organization, representatives of civic and labor bodies, who had worked with him, and those who had simply known him as a great leader and friend of the people, came to share in the tribute to a great and good man.

At 3:30 the combined choirs of the Episcopal Churches of the city, in their usual vestments, marched silently to their seats on the stage led by a crucifer, while the Salt Lake Theatre orchestra rendered Handel's "Largo." All present joined in the ringing words of the hymns which emphasized the note of faith and victory.

The brief service of prayer and the recitation of the

Apostles' Creed were led by the Rt. Rev. Nathaniel S. Thomas, Bishop of Wyoming, a close friend of Bishop Spalding and the lesson, from the third chapter of the Book of the Wisdom of Solomon, was read by Archdeacon Paul Jones, Bishop-elect of Utah.

Bishop Thomas admirably filled the position of presiding officer, and in well-chosen, sympathetic words introduced the men who had been called upon to render their tribute to the late bishop. These men were the Hon. Brigham H. Roberts, of the Mormon Church; Mr. William M. Knerr, of the Central Council of the Salt Lake Federation of Labor and a Socialist; Rev. Elmer I. Goshen, pastor of the First Congregational Church; and Dr. E. G. Gowans, head of the State Industrial School and member of the Utah Social Service Commission with Bishop Spalding. Their words are given below.

After the singing of a hymn written by Bishop Spalding, the memorial address was delivered by the Rt. Rev. Chas. D. Williams, D. D., LL.D., Bishop of Michigan. As one who was a close friend of the late bishop, interested with him in the work of social betterment, and an eloquent, forceful speaker, he was admirably qualified to voice the thoughts and feelings of those who loved Bishop Spalding.

As the great congregation stood silent while the speakers and choir marched quietly from the stage to strains of Meyerbeer's "March of the Prophets," after the benediction, one was impressed again with the unusual spirit of reverence and deep feeling that had pervaded the whole service, which was itself a most eloquent tribute to the memory of the departed leader.

Memorial Address

Rt. Rev. Chas. D. Williams, D. D., LL.D., Bishop of Michigan.

Psalm, 85:10. "Mercy and truth are met together—Righteousness and peace have kissed each other."

Eph. 4:15. "Speaking the truth in love"—or "being sincere or being true—in love."

Brethren, pardon me if I must begin this address with some personal remarks. The task assigned me on this occasion is in some respects the most difficult I have ever been called to essay. Franklin Spencer Spalding was my nearest friend in the House of Bishops and one of my nearest friends in other more personal relations. He was to me a tower of strength. I leaned on him. I got courage from him to try to do in my smaller way the things he was doing so splendidly in his larger way. Whether I saw him or not, whether I ever heard from him or not, just to know that he was here—saying and doing

the things he was ever saying and doing—things that so needed to be said and done—and saying and doing them alike with such fearless courage and tender love—I say just to know this was an unfailing and mighty inspiration. To have such a support suddenly taken from under one's life and work, to have such a spring of refreshment and strength suddenly stopped, is at once a terrible shock and an irreparable loss. You can understand how impossible it would be for one of his own flesh and blood to make an address on this occasion—I would fain have you realize that it is also most difficult for one to whom his friendship meant so much. I do not think that we commonly realize the strength and depth of a true friendship. We send our sympathy to one who has lost a kinsman—not often to one who has lost a friend. And yet the greatest threnody in the English language, "In Memoriam" was written on the loss of a friend. Frank Spalding was to me a "friend closer than a brother"— a rare combination of hero and saint—the nearest approach I have known to my ideal as a man, a Christian and a bishop.

Under these circumstances I must be pardoned for not daring to trust myself to the freedom of speaking without notes.

I shall not present to you an exhibit or dates or biographical details as to his life, nor yet an array of statistics as to his work. These can be had in abundance elsewhere. And anyhow, dates and events do not give the significance of a life nor can any statistics give any real measure of a man's work. What we want to do today is to try to approach some estimate of the meaning of his life, the quality of his personality, and the worth of his work, that we may conserve these values in the treasuries of memory and translate them into an abiding influence and inspiration. I would therefore try to give you simply a spiritual portrait of the man as I saw him. Spalding was an all-round man—fully developed on every side. This fact made him a natural leader of other men in every aspect of life. In college he was an athlete of the first class—particularly in baseball, football and high jumping. All through his life he was a mountain climber of note, having scaled peaks unconquered before. He was the leader in many such expeditions. Tall, spare, wiry, muscular, he had great physical resistance and endurance, which served him well in his arduous and sometimes perilous journeys and work. He made light of danger and bore all hardships without complaint—even with indifference and unconsciousness. He loved nature and the out of-door life—particularly in this wonderful western country. Above all, he loved the mountains. They became a part of himself. The lift of their elevation was in

his thought—the width of their horizons was in his vision —the freedom of their air was in his blood. He swept like a mountain breeze upon many a stagnant assembly. He cleared the atmosphere like a mountain storm. The flash of its lightnings and the crash of its thunder were in his speech.

He had a peculiarly attractive personality. Who that ever knew him can forget the winsomeness of his smile—that smile that drew children to him instinctively and naturally. Gracious and genial—gentle and courteous in manner—because he was gracious and genial, gentle and courteous of heart, his manners were never artificial, the conventional, put on good form of society. They were the expressions and flowers of his heart. He was the kind of a Christian gentleman that is pictured in the 13th chapter of 1st Corinthians. Endlessly and imperturbably patient of any slights, neglects, or even insults and injuries directed against himself, he was fiercely—absolutely intolerant, impatient of all wrongs done to others, all violations of common rights, all social injustice and unrighteousness.

In intellect I have known few equals to him. Keen in insight, with a penetration that went straight as it by instinct to the heart of any subject through all complications, with a comprehensive grasp and logical ability that could marshall his facts like an effective well organized army, with an imagination and poetic sense that illuminated all, he was one of the strongest thinkers and clearest, most convincing and eloquent of speakers. He was a rationalist through and through in the best sense of that misused and maligned word. He used his God-given reason fearlessly in everything. Consequently his faith was no weak sentimentality, nor a mere tradition. It was grounded, buttressed and impregnably fortified. He could always give a reason for the hope that was in him.

Moreover he had the rare gift of absolute intellectual honesty—a gift we ordinarily think more characteristic of the scientist than the theologian, preacher, or even Christian believer. He could and did always face squarely with open mind facts that were hostile to his sentiments, or inimical to conclusions he would fain arrive at or faiths he held instinctively dear. He never dodged them. He always gave them due weight. He could discriminate, as few of us can, between "I like" and "I think." This is the highest morality of the intellect, the quality of absolute sincerity, truthfulness and honesty in mental operations. In technical morals there was never a cleaner-minded man than Frank Spalding. Like Sir Galahad "his strength was as the strength of ten because his heart was pure." And that chastity of heart and mind as well

as of body was, I suspect, no easy, negative natural endowment, due to physical deficiency, but with his vigorous and virile manhood it must have been the prize of conquest and the achievement of Divine grace.

With all his great gifts he was most singularly modest. He could not help making a sensation with his rare abilities and his unique and often startling message. He could not avoid the "lime-light." Wherever he went, men were forced to take knowledge that a prophet, a man sent from God, was among them.

Yet he always shrank from publicity and dreaded sensation. He never appeared in public or made an address except under the compulsion of a sense of bounden duty. He loathed flattery. He silenced mere compliments. He even deprecated the expression of his friends' sincere admiration, though he accepted gratefully their appreciation, especially their intellectual and moral sympathy. He loved retirement. He would rather do his quiet work among scattered inhabitants of the deserts and wilderness than preach in the pulpit of Westminster Abbey.

There never was a more sincere man. He hated with a righteous and burning hatred, the hatred of his strong soul, all sham, pretension, cant and hypocricy, wherever it was found. And he was utterly incapable of the shadow or taint of unreality in himself. He was transparent through and through. He could not cherish an ulterior purpose, or an indirect method. All he said, did and thought was straightforward, direct, above-board. He had, in supreme degree, the simplicity that is the distinctive mark of true greatness. As he discerned with the immediacy of intellectual genius the heart of a matter, so with the immediacy of moral and practical genius he went straight to his goal. He had no diplomacy in the unworthy sense of that word.

He knew no difference between the small and the big in matters of duty. To him it was all God's work. He gave himself to every task with the same devotion and consecration. It was all service. He prepared as carefully the sermons he preached to his scattered flocks of a score or less as he did for the sermon before the General Convention or in Westminster Abbey. He wrought out with the ability of a statesman his policy in dealing with the great Mormon problem, but he gave equally assiduous and conscientious attention to the details of his budget that not a cent of the self-sacrificing gifts of the faithful should be wasted. His administration of probably the most difficult field of work in the American church gives him historic place and precedence among our religious leaders and statesmen, and yet he was ready when the occasion demanded to give the skill of his hands to the mak-

ing of a casket for a dead Indian baby or assist in the housework of a missionary. He was never consciously or laboriously unselfish. He simply lost all thought of self in the larger interests and joys of service to the cause he had at heart and the people he loved. And he loved everybody. Therefore luxuries and ease were renounced without effort or sense of sacrifice and hardness endured without complaint and with cheerful unconsciousness.

But the supreme characteristic of Spalding's manhood, that which gave the unique flavor to his personality, the key to his character, was a certain most remarkable and unusual balance and harmony of two opposite and often contrasted types of goodness or character that rarely dwell together in equal strength of a single soul.

There are in general two kinds of good men, two types even of Christians.

To one belong naturally the heroes, to the other the saints. To one the reformers, the passionate champions of righteousness and justice, the prophets of the word. To the other the self-sacrificing servants and saviours of humanity, in lovers of their kind.

There are the men of strength, of courage and of truth. And there are the men of gentleness, peace and love. There, for instance, is Amos, the prophet of the conscience whose utterances are a series of unbroken denunciations without a touch of pity or mercy, without even a trace of sympathy or sorrow for sinful Israel.

And there is Hosea, the prophet of the heart, whose words are the sobs of a broken heart.

Each type is apt to have the "defects of its qualities" to use the pregnant French phrase. The hero, the reformer, the champion of truth and righteousness is quite often hard, stern, unmerciful, ungenial and ungentle, unsympathetic and even unloving.

The saint is often blurred and indiscriminating in his moral vision and consequently incapable alike of a righteous indignation, a holy wrath or a fearless stand for the right and a brave battle against the wrong.

The strong are apt to be unloving and the loving are apt to be weak.

But there are rare souls in which the two types and kinds of goodness dwell together in perfect balance and harmony. Jesus is, of course, the supreme example. We commonly dwell too exclusively upon the gentleness and mercy, the tenderness and pitifulness of the Saviour towards the sins of weakness. We forget the awful sternness of the Prophet and Son of God towards the sins of power, the fiery, lava-like denunciation poured out upon the Scribes and Pharasees, the terribleness of mien before which hypocrites cowered, the unjust and tyrranical slunk away, the calm fearlessness with which He faced every peril and at last the cross.

Of such and like souls it may be said "mercy and truth are met together. Righteousness and peace have kissed each other." They speak the truth, fearlessly; yea, in fiery utterance whenever the occasion demands but they ever "speak the truth in love" or as a better rendering of the words reads "they are sincere or true in love. They are able to be absolutely faithful to the truth and perfectly loving at the same time."

Such a soul in marked degree was Frank Spalding. He was hero, prophet of the Word and reformer. He was the fearless champion of righteousness and justice. On more than one occasion he refused gifts that would have fettered the freedom of his speech and stood alone against powerful corporations that would have muzzled him. The zeal of the great cause consumed him, set him on fire and made his every utterance on this theme a labent and searching flame. The utter injustice and wrong, the tyrrany and oppression of our present social and economic order or disorder, kindled in him a holy wrath which pored forth, when the occasion offered, in fierce invective and terrible denunciation. Who that heard it can forget that great sermon in Holy Trinity, Brooklyn, described by one hearer as "absolutely the most uncompromising utterance she had ever heard from a Christian pulpit". Or who can forget that greater sermon in the pulpit of St. John the Divine before the General Convention. It was the most dramatic scene I ever witnessed in a Christian church. The storm of the Rockies was in that pulpit, clothed in lawn sleeves. The words uttered were flames of lightning and crashes of thunder. Men and women gripped the pews in front of them. The Bishops, prominent divines and eminent laymen were portrayed as a capitalistic convention, class conscious and strangely indifferent to wrongs, injustices, distress and oppression all about them which cried to God and broke the heart of Christ. That class consciousness and indifference stultified their very Christian name and profession. It was Amos again, come from the sheepfolds and sycamore trees of the far off wilderness of Tekoa to the king's chapel at fashionable and wealthy Bethel to denounce king and court to their faces.

And yet I happen to have known with what shrinkings of spirit and misgivings of heart he went into that pulpit. He hated to make the sensation, he knew he must make. He shrank from the publicity, the "lime-light" he knew he must attract. He had rather have plead the cause of his few sheep in the wilderness. But the occasion and his fidelity to the truth, the truth as he saw it, demanded the sacrifice of himself and he made it. The burden of the Lord was laid upon him and he must deliver it. The Word of God burned like fire in his bones and would not let him rest. Necessity was laid upon him,

the necessity St. Paul felt when he cried "Woe is me if I preach not this gospel." The sobs of Hosea lay behind the denunciations of Amos. He was the prophet of conscience and heart alike. And he would come away from such an occasion as this to the house where he lodged or the company of his friends, just as humble and modest, just as tender and gentle, gracious and winsome as he ever was. His great loving heart went out to all alike, to those he denounced as well as to those he championed. He realized that the capitalist was often as much a victim and product of the circumstances that surrounded him and the system in which he was forced to live and work as the proletariat. And his tenderness and charity embraced them all.

So even with his great statesmanlike policy in dealing with the Mormon problem. Absolutely just and ever sympathetic, even those who differed from him loved and admired him.

On his desk after his tragic death was found much unfinished work. One thing was an examination of his hymnal with an attempt to discriminate against and eliminate the martial spirit and tone which permeate so many of our hymns and to bring our hymnody more into harmony with the spirit of peace.

Another was an address on peace; and still another an article in which he said, "I am trying to help the rich to understand the poor and the poor to understand the rich. I don't want to scold. I want to speak the truth in love." Speaking the truth in love was the dominating note of his life toward which all his endeavors were set.

Spalding was a socialist in his economic creed. Here I could not altogether follow him as I have ever tried to follow him, though afar off, in his passion for social justice and righteousness. But his socialism was of a unique kind. It was not the socialism of mere economic determinism or of materialism, the socialism that is interested chiefly, if not exclusively, in the mere question of the distribution of wealth, of creature comforts, bread and meat and clothes and money. It was a spiritual and moral socialism, the socialism of justice and righteousness, above all the socialism of love, a tender, passionate, Christlike love for all the weak, the disinherited and oppressed. He was called a Christian socialist and that is true in the sense I have just described it. And yet I would transpose the words and call him a socialist Christian. The adjective should become the substantive, the substantive the adjective. For the fundamental, underlying, determining and constituting element in all his lifework and personality was his personal Christianity, his faith. It was the love of Christ that constrained him here as in every other aspect of his life, work and person-

ality. His socialism was but the expression of his Christianity as applied to the larger problems of industrial and economic relations. But it was the same Christianity which sanctified his personal character and inspired his work as a minister and bishop of the Christian church. It was this that saved him from the violence and unreason and the hard materialism of many socialists whose only gospel is the sad gospel of economic determinism. For socialism without Christianity is a body without a soul. And the fairest Utopia of the social idealist without the indwelling and informing faith and love of Jesus Christ would become a tyrrany of regimentation fully as intolerable as the present system of society, if not more so.

Bishop Spalding's socialism attracted and filled the public eye because it was so unusual and therefore sensational in a clergyman, particularly a bishop of the Episcopal church, who is generally considered the acme of conservatism. But as I have said, his socialism was but an aspect and expression of his Christianity, his Christian faith and love. He was fundamentally and essentially not merely a socialist or Christian socialist or even a socialist Christian, but a Christian purely and simply and wholly, a Christian minster, a Christian bishop and a Christian man. As such he lived, spoke and worked while here and as such he will still live and speak and work through the lives of all that knew and loved him.

Of his work as missionary bishop I leave others to speak. I can only note in passing his habitual and untiring faithfulness and careful administration and the great far-seeing statesmanship that characterized it all.

There are deeper aspects of his private and inner life of which I dare not speak here at length or in detail. They are too sacred to unveil to public gaze.

I can only say that his domestic life was ideal. No son or brother was ever more devoted. One little fact is significant. His daily life was absorbed with multitudinous details. His correspondence was heavy. And yet not a day passed without a letter to his home, written with his own hand. He died with a letter to his mother clutched in his hand, a letter delivered finally without postmark or cancelled stamp.

And there was an innermost sanctuary in his life, a holy of holies, whose veil no hand dare lift. With his intolerance of all sham and cant, with his impatience of conventionality, he was indifferent to the forms of a shallow and mechanical pietism. He never talked the shop-talk of religion. But from what I knew of him personally and from what I have been privileged to see of the record of his inmost life, I can say, this man walked with God if ever man did. To him God was the living God, a present reality, more real than the things of flesh and

sense. Christ was an abiding presence "closer than breathing and nearer than hands and feet." Prayer was the atmosphere in which he lived. It was his vital breath. Everything he did and said, small or great, was consecrated by prayer.

Manly and godly, virile in body, mind and soul, yet tender and gentle of heart and spirit, a gracious and graceful Christian gentleman, a unique combination of the hero and the saint, of the fiery prophet of righteouness and the humble, self-giving servant of his fellows, a great and statesmanlike Christian Bishop, an ideal Christian man. God grant that we all may catch something of his spirit, in the years that we may carry on his work and stand for his cause in some measure as he did. And God give unto him the crown of the faithful, the reward of the brave and the blessedness of the pure in heart.

Words of Appreciation

By Hon. Brigham H. Roberts.

My dear Christian friends.—It is an honor to be given the privilege of saying a few words in appreciation of the life-work and character of the late Bishop F. S. Spalding. It was an honor the more readily accepted by me because I felt that I could speak of him from a viewpoint somewhat different from that from which others would regard him. It is written in the scriptures that a bishop "must have a good report from them that are without." That is to say, his course must be such as to command the respect of those not of his special communion; and here I may be allowed to bear witness that the late Bishop Spalding was of most excellent quality in this—he was in good repute "with those that are without," as well as being dearly beloved by his own church.

It is well known to you all that Bishop Spalding and myself held widely divergent views upon nearly every question of theology, and of historic Christianity; and both in private and public correspondence, as also in frequent personal discussons we went over the ground of our differences. He challenged many of the facts in which my religious faith had its origin. He questioned the correctness of both my conceptions of truth and the conclusions founded upon them. He was an opponent of the church of which I feel honored to be a member, but I am happy to say he was a very honorable opponent. However mistaken I might think him to be, I never knew him to stoop to conscious misrepresentation or to any other unfairness in controversy; and when it was shown to him that by misunderstanding an opponent's position a wrong impresssion had been created, no man I ever knew was more willing and prompt to set the matter right by

frank and adequate and manly correction. My experience with him warrants all I here say.

I believe him to have been intellectually honest, a quality all too uncommon in our world. He approached every question with rare open-mindednesss; and while holding with admirable firmness to his own views, wherein his convictions were settled, I found him tolerant of the views of others, and ready to accord to them as much honesty in their convictions as he claimed for himself in his own. He appeared to have the faculty of making a distinction between what he regarded as the errors in the beliefs of people, and the people themselves; and while condemning what he regarded as their errors, he held in esteem and sought to live on terms of friendship with the people who entertained them. In this he reflected—as far as it is given to us poor mortals to reflect such a thing—a divine quality. It is written that "God cannot look upon sin with the least degree of allowance." Sin from the fact of God's attribute of Holiness, must always be hateful to him; but not necessarily so the sinner. For the sinner God may have—nay, does have—a great love, leading to great compassion. "God conmendeth his love toward us," says Paul, "in that, while we were yet sinners, Christ died for us". "God so loved the world"—though that world was sinful—"God so loved the world that he gave his only begotten son, that whosoever believeth in him should not perish, but have everlasting life". It is reasonable to conclude that God makes a distinction between sin and the sinner. The former must be forever hateful to Him—He cannot look upon it "with the least degree of allowance", but He loves the sinner, and would save him from his sins. This divine faculty, I say, was manifest in the mental attitude of our friend towards those whom he esteemed to be in error. This faculty was bound to secure for him "a good report of them which are without," and tended greatly to increase his influence and his usefulness, whereof all here present are witnesses.

I felt his sudden and sad departure as a personal loss; for I had looked forward to a long association with him as a friend; and a co-worker for the betterment of conditions on some lines, and as a fellow student of many questions which imperatively challenge the attention of those disposed to keep alive the student instinct and discipline in the progress of their life's work. His departure from our midst, I am sure, will be regarded as a great public loss, as the manner of it was a great public sorrow. Salt Lake City, and the State of Utah are the poorer today because he has left us. He was capable of rendering service of a high order, and that he should be taken from us at a time when his usefulness to our community was, as yet, but in the morning of its existence, seems a great calam-

ity. It is not, however, for me to complain of the events that in the providences of God are permitted to occur in this earth-life of broken harmonies and that so often defeat our hopes, and disarrange our plans. Rather it is proper for us to bow in trustful submission to that wisdom which, though not now always discerned, rules the harmonious destinies of the world. And so my friends, it is in this spirit that one not of your special communion stands for a moment in your midst, and voices a sincere regret universally felt for the going out from among us of one so dearly loved by you, and so highly esteemed by all.

By Mr. Wm. M. Knerr.

Comrades and friends: In behalf of the members of organized labor and the Socialists, may I add a few words of praise and gratitude to the memory of Bishop Spalding, the man, friend and comrade, as the working people knew and found him to be. To one whose hands were open and whose heart was full—who stood for the good things in this life—who hated caste. To one who knew something about the law that governs the motion of society; who knew something about the men, women and little children who labor in our mines, mills, factories and sweat shops, knew that many were underpaid and underfed, knew that they were useful members of society, knew that a large majority of them were unable to earn sufficient food, clothing and shelter and so early in his life he told the world these horrible things—proclaimed himself a Socialist and championed the cause of labor.

Comrade Spalding was generous to his fellow men. His hands were stretched to help lift the many burdens of the working class. He pitied the friendless, the hopeless, the unfortunate. He was quick to decide—to act—prompt, tireless, forgetful of self.

He had that superb thing called moral courage—courage in its highest form—he knew that his thoughts were not the thoughts of many—that he was with the few—that where one would take his side, thousands would be his eager foes. He knew that the rich would scorn, cultured ignorance deride and perhaps hurl missiles of revenge and hate and yet he told his honest thought—told it without hate and without contempt—told it as it really was. And so, through all his days, his heart was sound and stainless.

Comrade Spalding followed the light of his brain—the impulse of his heart. He was intellectually honest and sincere.

This good man practised no art to hide and half conceal his thought. He did not write or speak double words that might possibly be useful in retreat and contradiction.

He stood erect and told his thought and sought to make his meaning clear. To use his own words, I quote from a sermon delivered in New York City just about a year ago to a congregation of Episcopalian laymen, he said:

"Surely there can be no doubt on which side the church of Jesus Christ ought to stand when the issue is between dollars and men. Shall not the church set her face against a competitive system of industry, which inevitably involves the exploitation of men, women and little children?"

"She must surely stand for a social system in which production shall be for use and not for profit, in which the worker shall be rewarded on the basis of service he renders and in which every child shall have a chance, not as an act of charity, but as a God given right to all that makes for a full and joyous and useful life."

How bold and true these words are. He lived for this life; if there is another, he will live for that.

He was the friend of all the world and sought to socialize the human race.

For a number of years he labored to free the bodies and the souls of men—and many have heard and read his words with joy. He sought the suffering and oppressed.

He asked only to be treated as he treated others. He was a noble man.

He has lived his life; we should shed not tears except the tears of gratitude. We should rejoice that he lived and did so much to help free the human race—did so much to help emancipate and socialize the working class.

He was opposed to war. I am sure that he endorsed the words written by Kirkpatrick: "Peace is patriotism to mankind." Listen men and women: any form or any sort of patriotism that induces men to arm themselves with instruments of death, to engage in battle—to kill and maim their fellow man, is brutalizing and false and can have no place in a socialized form of society.

A fitting epitaph for our friend and comrade, would be an epitaph written by Robert Burns on the tomb of his friend William Muir:

"An honest man here lies at rest,
As e'er God with his image blest;
The friend of man, the friend of truth,
The friend of age, and guide to youth:
Few hearts like his with virtue warmed,
Few heads with knowledge so informed:
If there's another world, he lives in bliss;
If there is none he has made the best of this."

In conclusion may I repeat the beautiful words spoken by Robert G. Ingersoll:

"The storm is spent—the winds are hushed—the waves have died along the shore—the tides are still—

the aching heart has ceased to beat, and within the brain all thoughts, all hopes and fears, ambitions, memories, rejoicings and regrets, all images and pictures of the world, of life, are as though they had not been. And yet Hope, the child of love—the deathless, beyond the darkness sees the dawn. And we who knew and loved him, we, who performed the last sad rites—the last that friendship can suggest—will keep his memory green."

"Dear friend farewell! If we meet again we shall smile indeed—if not, this parting is well made. Farewell."

By Dr. Elmer I. Goshen.

We have met here to pay our tribute of respect to the memory of a great and good man. Our hearts are tender today, for we loved him in life, and we love him in death. Standing so under the shadow of this terrible bereavement it is difficult to speak; it is hard to be analytical.

I loved Bishop Spalding for the three traits that seem to me to be the most conspicuous in his character: his genuineness, his simplicity, and his consecration. He was frank even to his own disadvantage. He was what he seemed to be, and he seemed to be what he was. He had none of the assumed dignity of the mere ecclesiast; none of its professional piety; none of its hollow pretense. Bigotry and superstition had no place in his life. He was too honest to pretend. He was too genuine to make believe. He was fearless, and he dared to speak what he believed to be true.

He loved man as man. He believed in no special privilege, and in no class dictation. He believed in man as the child of God. He believed that no man has the right to take away another's liberty. And so he labored to bring about a social system that he hoped would ensure liberty and happiness to all humanity.

As we stand so near to our friend the benediction of his life is over us, the goodness of his soul shines upon us. Our mountains are loftier because he lived near to them. Our valley is richer because he pressed it with his foot. Here under the compelling power of his influence we will —we do—dedicate all that we are and all that we have to the cause that he loved and for which he labored—the cause of humanity.

By Dr. E. G. Gowans.

By way of appreciation of Bishop Spalding, let me tell you something of the man himself.

A few days before his unfortunate and untimely death, in company with a mutual friend, he visited me at my work. We talked and as was inevitable we talked of the modern world's tragedy—civilization's apparent

temporary defeat—Europe's lapse into barbaric brutality —the present war which is making such a marvelous demonstration of the inferiority of old world decadent monarchial ideals as compared with the new world democratic ideals of our own loved America.

And as we talked, he expressed the thrilling hope, aye more, the settled conviction that out of the pain and travail of this hour there would be born a peace the like of which the world has never known before. This deep seated faith in the ultimate triumph of right was characteristic. He spoke of the causes of the conflict. He saw the welfare of Europe's millions entrusted to the keeping of the decadent representatives of a few families whose highest ambition is to perpetuate themselves in unrighteous power, even at the sacrifice of unnumbered human lives to whose value and worth they seem utterly indifferent. He saw Europe's desolation—her abandonment of Christian philosophy.

* * * * * * * * * *

He saw the widows, the fatherless, the untilled fields, the empty factories, the garrison and the tax gatherer, and in mingled horror, indignation and resignation he said: "If this war, terrible as it is, shall bring the end of the rule of tyrants it will be worth to humanity all it costs." This abiding love for humanity was characteristic.

We were most intimately associated in the work of the Utah Social Service Society and in that rather trying work he always seemed to me to embody the idea of Stevenson's prayer:

"Lord. If there be in front of us any painful duty, give us the grace of courage. If any act of mercy, teach us tenderness and patience. Help us to repay in service one to another the debt of Thine unmerited benefits and blessing, and make it Heaven about us by the only way to Heaven—forgetfulness of self."

Editorials in Appreciation

The foregoing addresses are expressive of the opinion in which Bishop Spalding was held by the different groups in his own community and by the community in general.

We print hereunder several editorials from some of the leading magazines of the country. They are selected from a number dealing with the same subject. They show how the life, work and character of Bishop Spalding appealed to the nation at large. **The Editors.**

(From The Outlook.)

Bishop Spalding, of the Episcopal Missionary District of Utah, who was recently killed by the reckless driving of an automobile in Salt Lake City, was in the prime of his life, a man of unusual vigor, of courage and devotion. He was crossing the street, in front of his house, to mail

some letters when a powerful motor driven by a young girl struck him and killed him instantly. The manner of his going was in a sense a matter of indifference to him; but it has involved a tragic loss, not only to the Church, but to the country, and especially to Utah.

At a memorial meeting recently held in Salt Lake City men of every creed expressed their gratitude for the service which he had rendered, one of the most appreciative tributes coming from a prominent Mormon. The character of Bishop Spalding may be inferred from the statement that he was the most dangerous enemy of Mormonism in Utah, and was also the best friend of the Mormons. He had the courage of a man of entire consecration; love was to him a compelling power not only of service but of truthfulness. He was an ardent Christian Socialist, and in season and out of season he pressed upon his own Church what he regarded as the Gospel applied to social conditions. A tall man, square-shouldered, muscular, carrying the atmosphere of human comradeship, with a very clear mind, great power of analysis, and admirable ability to state his position in lucid language, Bishop Spalding was a notable figure on every occasion when he was present and in every assemblage in which he took part.

The most striking address delivered at the General Convention of the Episcopal Church held in New York a year ago was his talk in the Cathedral of St. John the Divine on "Christianity and Democracy." Whether men agreed or differed with him, they were all aware that the man in the pulpit was a modern Savonarola challenging his Church to search its conscience and confess its shortcomings. Such a talk in a cathedral, from a clergyman wearing the robes of a bishop, would have been notable in any event. Bishop Spalding made it notable by reason of his sincerity and fearlessness. There was neither fanaticism nor demagoguery in his address. It was as far removed from the onslaught of a radical labor agitator as it was from the smooth utterances of a conventional ecclesiastic. Those who heard him felt that the challenge could not be evaded. He did not hesitate to charge that religion has been supported out of the profits, not out of the wages, and therefore the workers believed that it represented the capitalistic class. He did not hesitate to call the General Convention a convention of capitalists. "We worship," he said, "in a great church like this, and it makes us forget the slums just over the way; we wear our holy vestments, and we forget the millions who have only rags to wear; we debate our canons and names, and we forget the toiling workers who are pleading for a living wage; we discuss hymns and prayers, and we forget that there are ten thousands of thousands whose hearts are too

heavy to sing and whose faith is too weak to pray;" and he declared that the Church "must accept the charge which industrial democracy has discovered, that labor and not capital is the basis of production."

The fact that such an address was made by a bishop in a cathedral is the very best evidence that his Church is not afraid to hear these fundamental questions discussed, nor to face a direct challenge from a man who believed in a changed social order. Whether Bishop Spalding was right or not, whether the changes in society which he urged would remedy the evils he deplored, are open questions; but the force of such a personality as his cannot be ignored, nor can its influence be measured. His was a voice that crossed whatever chasm there is between wealth and poverty, between the cathedral and the slum. He carried the same message to rich and poor. At a meeting of Socialists in Salt Lake City his criticism was as fearless as it was in the Cathedral of St. John. Speaking to a hostile audience which jeered him, challenged his honesty, and almost insulted him, he made a searching exposure of the fallacies of syndicalism and destructive anarchism. On Labor Day he spoke in St. Paul's Church, Salt Lake City, with thrilling earnestness; and when his body was laid in St. Mark's Church in that city, thousands of working people crowded the church from morning until night. One who knew him well said of him:

"No one could long be in his presence without pronouncing his soul pure white, his mind clear and farseeing, and his heart the clean, glad, responsive heart of a boy."—November 25th, 1914.

(The Survey—New York City.)

Bishop Spalding was a member of the first Joint Commission on Social Service of the Protestant Episcopal Church, and had continued since 1910 to serve on successive commissions until his sudden death in September. As Dr. Melish brought out in last week's issue of **The Survey,** it was indeed fortunate for the church that it had in this commission, which was to try to clarify its thinking on the social question and express its mind in action, a man of his illumined radicalism and constructive temper. His first contribution was to point out that his church had assumed, in what it had said on the relation between capital and labor, the permanence of the wage system; and that, if the church was not to go over to Socialism, neither should it be committed to capitalism, but should be free. All the utterances of this Social Service Commission since then have witnessed to that contention of Bishop Spalding. He also was insistent upon a democratic financing of the social work of the church. He held that dependence upon the gifts of a few rich people would neces-

the work of a ministerial association, some of whose leadsarily circumscribe the activities of the commission and hush its voice when it ought to speak out.

Although a Marxian Socialist and uncompromising in his personal utterances, Bishop Spalding believed in social team-work. He was no dogmatist, socially or ecclesiastically; he believed, but he tolerated the beliefs of other men. He recognized that official bodies can go no faster than the people they represent; that too rapid progress puts them so far in advance that they cease to lead. Therefore, he gladly worked with conservatives, and never forgot that he was set in a society which could be socially redeemed only by its men and women of social vision. He was always the pioneer, but the pioneer who labored to open a way for other men. He was the leader of an organized body of men, not a free lance.

Bishop Spalding was a bishop who knew his industrial society at first hand rather than from books. He was not a worker, being the son of a bishop, and a college man; but he mingled with the workers. Was a strike leader to address a mass-meeting of discontented workmen, the bishop was there in their midst both to learn and to show his sympathy. The speakers might damn all clergymen and denounce the church; but he was a bishop who knew that there was some truth in what they said, and that the church was responsible in part at least for their hatred of her. It was this first-hand knowledge of working men that led him to say, "I am by no means certain that the wage-earner will thank me for trying to plead his cause." Nevertheless he pleaded the cause of the wage-earner; at what price, wage-earners will probably never know or appreciate. The congregation which heard him at the last General Convention was not composed of working men and women, but, as he frankly told them, of people who lived on profit, rent and interest. Many of them, who were delighted with him personally and were interested in his missionary endeavor, turned against him and refused to give a cent to his work. It hurt him deeply and many a time he questioned in his soul if he was doing right. But he rose from his Gethsemane ready to pay the price of obedience to his heavenly vision.

Although he believed in the class struggle Bishop Spalding never was a member of the Socialist party. The reason was in part psychological. Ecclesiastically speaking, he was a rationalist as well as a Socialist. He was experiencing a revolt against dogmas and forms; he saw how men put churchism in place of Christianity, dogmas and creeds in place of faith and hope and love. Accordingly, he could not bring himself to use new shibboleths and tie up to new dogmas. To many Socialists the party

is what the church is to may Christians, the organized way of getting things done, idealism transformed into life. They no more question the party than they question the church. Bishop Spalding on the contrary did question the church and revolted from its narrow and outgrown ways in many things. A religious rationalist is in no mood to turn economic dogmatist. Bishop Spalding voted the Socialist ticket, but he could not bring himself to subscribe to the narrow tests of party membership.

Above all, Bishop Spalding was a champion of "God's poor." To the poor, the men who labored and the women and children who toiled, he held that God had given the earth; the inheritance was theirs, but others, the strong and the clever, had kept them from it; and the church too often loved to have it so. He pleaded, therefore, for the church to hold with Marx that labor and not capital is the basis of production, and so to choose between dollars and men. In his soul he believed that such was the will and purpose of the eternal and in the future would triumph. It was his faith in a spiritual order that colored his preaching of a new economic order based upon a juster system of production and distribution of wealth. After all, he was not an economist but a seer; not a philosopher but a prophet. He believed in God manifested in Christ Jesus and he lived to make clear and compelling what to him was the divine will and purpose for the world.

(Collier's Weekly.)

Bishop Franklin S. Spalding of the Episcopal Diocese of Utah built up a career peculiar to himself. He labored with a good heart trying to make Christianity fit the needs of the hard pressed. He lived among the Mormons and uttered no harsh word toward them. When his brother clergymen wrote in a harsh spirit he reproved them and assailed their literature of hatred even more vigorously than the Mormons themselves. He very largely broke up ers thought that a rabid assault upon everything connected with the Mormons was good business. He brought to his handling of the Mormon problem sympathy, understanding, and a full comprehension of the path in which Mormon leadership was itself progressing. At Grace Church, in New York, he preached a sermon finding powerfully against the validity of the alleged inspirations at the source of the Mormon creed; but at the same time he delivered, in narrative form, the story of Mormon growth with such accuracy and fairness that Mormons in his audience rushed forward to grasp his hand. Of a radical clergyman of his own faith who lost his pulpit, Bishop Spalding said: "He has my sympathy; I knew him well, and yet, as Raymond Robbins says, Social Service is a

pretty big gun to fire, and the preacher who tries to shoot it off must remember the rule of artillery, that the gun must weigh one hundred times more than the charge. I am afraid our radical friend did not always practice this rule." Little meeting houses which Bishop Spalding opened in frontier territory, where but a decade ago Ute Indians stalked game in the Uintah range of mountains, will grow larger as the years pass and will recall to people a Bishop who believed as ardently in the Church as in the needs of those who toil. An automobile accident some days ago resulted in Bishop Spalding's death. It left the Far West the poorer for one of its most compelling figures.—Oct. 31st, 1914.

Franklin Spencer Spalding

He was so strong!
Strong in his fronting of our troubled time,
Strong in the Strength behind the darkling maze,
Strong as great streams are strong and noon's rays strong,
Strong in a lovely splendid chilklikeness,
Ever so strong.

He was so true!
True as the sun's returning after night,
True as last words before the spirit flies,
True with the soul-truth that makes others true,
True and true-making—let us give God thanks—
Ever so true.

And he so loved!
Loved the small good in us we did not know,
Loved that small good in us until it leapt,
Loved love forth, loved the cramping things away,
Loved love of love, through his dear love of us,
Ever so loved.

O Love Afar!
Knowing the hard way that we have to go,
Here in the strain and the twilight, here in the dim,
This strength and truth and love have made us say:
"Thou are so close, dear God, thou art so near,
O Love Afar!"

—Arthur Russell Taylor.

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THE UTAH SURVEY

Announcement

The Utah Survey has been officially transferred by the Social Service Commission of the Episcopal Church to a group of interested men who have been incorporated as The Utah Survey Association to continue the publication along the lines that have marked the magazine in the past.

The aim of The Survey is to discuss social questions of local and state-wide interest fearlessly and without bias, with the hope of aiding in their solution.

The Board of Editors will maintain The Survey as a forum for the free discussion of problems vital to people of the community and the state, and make it a living memorial to the purpose and influence of its founder — Bishop Spalding. It will be non-sectarian and non-partisan. It is the only periodical published in the State of Utah devoted entirely to an open and fair-minded discussion of social and civic questions.

This journal is printed without the aid of advertisers and it therefore needs and earnestly asks the co-operation of all interested in human welfare, both in contributions and subscriptions.

THE EDITORS.

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Our Purposes and Our Needs

This magazine is devoted to social, civic and religious purposes. We prefer to emphasize the concrete side of these questions and to pursue vigorously those matters which directly touch the people in their daily life and living. Without in the least disparaging the need of constant reiteration of the great abstract truths which form the background of all individual and community character, we feel that at least one journal in this state should be devoted to a fair and fearless presentation of those facts and acts which immediately influence the life and happiness of our people. Thus, the wage question, the conditions of labor, the actions of men which innocently or intentionally lead to the advantage of the few to the detriment of the many—all such matters, regardless of who is involved or their stations in life, we hope to make our concern.

We are in no way political where politics can be divorced from civic and social questions. We have issued our proclamation of neutrality in regard to parties and do not intend to violate it. But when any party acts contrary to the public welfare we shall not hesitate to voice our protests and throw our weight against those deeds and policies, just as we would if any individual or other organization were at fault. Not to do so would be to allow political organizations to purchase immunity simply because they were political organizations and to operate behind a political cloak to the detriment of social welfare.

In the subjects which we shall discuss we shall try very hard to be fair. We shall ask ourselves, first, whether we are right or wrong; secondly, whether the publication of an article may not be more of an obstacle than a help in the accomplishment of the end desired. The first question is vital and necessary. The second is legitimate. We shall try to ask ourselves these two questions without fear or favor and we shall, upon deciding to publish, do so without hesitation. If, in following this policy we fall into error—and we may be "all too human" in this—we shall do all in our power to rectify any injustice we may have done. Beyond this we shall rest content in the sanguine belief that truth and righteousness will ultimately prevail and that our

small but earnest contributions may aid in their acceleration.

But to accomplish these ends we need financial support. We need a sufficient subscription list to meet the expenses of printing and postage—no inconsiderable amount. All other services are gratuitous. The editors are making sacrifices in time, energy and thought, more than most people not connected with the publication of a magazine like this may have any idea of.

If you believe that the magazine is useful in keeping the community's sense of social values alive you should help us by contributing or subscribing. We ask that you give this matter consideration and if you would rather see the journal published than not translate that desire into actual support by sending in at least the price of a year's subscription.

"It Is Their Own Fault"

Man's outlook on life and his conduct toward his fellow man are determined largely by his leanings, consciously or unconsciously toward either of two philosophies. The extreme individualistic philosophy makes every man suffer the full consequences of his ignorance or mistakes. It applies the law which pertains to rabbits as severely to men. It asserts that intelligence directed toward saving the weak, the unfortunate, the inefficient, is working against that law of evolution known as natural selection. It asseverates that only the fit should survive; that only the fit will survive. It recognizes, in its absolute form, no room for human sympathy. Such, in part, was the philosophy of Neitzsche.

The social philosophy asserts that the main channels of development along which mankind has progressed are those of love and sympathy; that the real history of the world is simply the story of transition from the individual to the social concept; that man differs from the brute only in the extent to which he has developed the spiritual attributes of love, sympathy and kindness, as well as the fundamental moralities of honesty and virtue; that race development does not come from the rare emergence of the superman, but from all clasping hands and going ahead together. It denies the individual of greatest worth to be he who is splendidly efficient, physically and intellectually, but wanting in the spiritual attributes. This is the philosophy of Jesus. This philosophy acknowledges the mistakes and ignorance of men, admits that they must suffer for them, but not too much.

Many men with whom we discuss the situation of unfortunates meet us with the remark, or its equivalent, that "it is their own fault." These men are not hard-hearted. Many of them are quietly lending their aid. But it is discouraging to be met on the threshold with such a response. If the assertion came from an extreme

individualist it would be perfectly consistent, but in most cases the men that make this remark will admit that our unfortunates must be taken care of—how, they do not seem so clear upon.

To those who are taking complacent refuge in a belief that the condition of each man is due to his own fault we would ask to review carefully their own lives, and to see if they, at any time, were not helped out of a hole or prevented from falling into one by the opportune kindness of a friend or by some propitious combination of circumstances entirely independent of their own making. It may be well, in taking an inventory of our own character, to apply the rugged doctrine of absolute personal responsibility in accounting for our own misfortune, but in considering others let us learn to make allowances. If we believe or know the other fellow's condition to be due to his own foolishness let us hold it as an interesting and sorrowful fact, but not as an excuse for withholding the aid which it is in our power to give.

Workmen's Compensation

We live in an industrial community. Are we abreast of the times or laggard in looking out for the human product? Twenty-nine states have made provisions for distribution of the burden in industrial accidents; six are investigating the subject; eighteen have not been aroused. Utah is among those not yet aroused, and this in a community where the greater need makes the greater shame.

Why is the need imperative? We are not a careful people. We have from two to five times as many accidents as other countries. One in every 420 is hurt while at his work. Twenty per cent of our litigation is between employer and employee. One in 10 of those injured wins in the courts in the whole country. Twenty per cent only get anything in the courts of Utah. Of all the money spent by the employer on matters arising out of industrial accidents only 25 per cent reaches the man injured.

A. is hurt. He is in the hospital or confined at home. We face him with the burden of proof that he ought to be paid. The facts are that in most cases, the evidence is destroyed by the accident itself. The consensus of opinion is that, with the best of intentions, responsibility cannot be fixed. It is common knowledge that A.'s witnesses are in the hands of the employer. They are afraid to testify or cannot be found at trial. A. robs himself of a future job by pushing his claim. We face A. with the legal fiction that he assumed the risk, which is paid for in the wages. This fiction was abrogated 25 years ago by the most progressive countries. The facts of experience are that men have to take the job, that they are not free to reject the hazardous job and that wages are not in proportion to the risk.

We face A. also with a corollary to this legal fiction, viz: that he shall not recover if he is injured by a

fellow servant. This rule is being rapidly abolished. So far as it was ever just it was before the conditions of modern industry. We face A. also with the task of showing that the employer was negligent and that A. himself was not negligent. Those who know damage suits know that this is almost a hopeless task. Accidents do happen. The causes are uncertain, hard to fix or unknown. At best the damages should be shared by employer and employee. Is it a marvel that A. usually loses?

What is the way out? Europe abandoned this system. Twenty-nine states have seen the injustice of it. By a workmen's compensation bill these legal fictions are abrogated; a method is established by which damages are fixed before the accident happens; the facts are determined without delay after the accident happens; the money paid comes without litigation or delay; it reaches the man injured when he needs it most, and allows the largest possible percentage of that paid out by the employer to reach the workman. Workmen's compensation laws mark a step up; not the final or the best, but a marked advance over the conditions prevailing today.

What are the big lines to be noted in a bill? Twelve states allow employer and employee to elect whether they will come under the terms of the bill or keep the old action for damages and the old defenses for the employer. Four states make this law compulsory on both. This is direct and overcomes at once the defects of the present method, which may be allowed to continue where either is allowed to elect whether he will come under the bill. Nine states make sure of the employer's ability to pay by requiring security or insurance. Four states, Nevada, Ohio, Oregon and West Virginia, have taken the more advanced step by establishing state-managed insurance. Fourteen states do not allow "contracting out," i. e., the terms of the bill are written into every contract of employment. This prevents pressure being brought to bear on the employee to accept the terms of a contract that signs away the workman's advantage secured by the bill. A most essential feature is a board with power to pass on the facts, to see that the amount provided is forthcoming, with power to review, increase or diminish the compensation as the case warrants. Fourteen states leave the matter in the hands of a board; three place it in the hands of a commission; one in the hands of a commissioner of labor; one in the hands of a commissioner of labor and insurance. Six states allow the facts to be presented to a court, which renders judgment. The payment for total and partial disability and death should be accurately fixed. Eight states provide compensation for life. The recovery is from 50 to 65 per cent of the weekly wage, covering a period from 240 weeks to 15 years. Experience has said that weekly payments are better, since it guards against the waste of a lump sum or the chance of dividing it with an unscrupulous lawyer. It is essential that the payment provided shall be made to extend over the whole period of disability.

Even the casual observer is impressed with the burden placed on philanthropy in caring for the victims of industry. This is not just. The mishaps to men are incidental to the products of mine and factory. Under the best conditions there is human wear and tear, as in boilers and machinery. It should be charged to the cost of production and distributed over the products sold. Accidents incident to production should not burden neighbors and the Associated Charity. It is fair that at least half of the damage should fall on the industry in those cases which happen under the best conditions, where absolute responsibility is almost impossible to fix. We present in this number of the Survey two articles on the subject which we commend for added reasons why public sentiment should urge upon our legislature a bill exact, workable and liberal in its terms. With twenty-nine states to give us their experience, with a state pride content with no second best, we look for a bill adequate for the needs of employee and just to the business of the employer.

A Public Utilities Commission

By the time this issue of the Utah Survey is in the hands of its readers there will probably have been introduced in the present session of Legislature a bill providing for the establishment of a Public Utilities Commission for the State of Utah. As an evidence of the value of such a commission we need remind our readers that all but three states (Utah among the exceptions) have public utility commissions in one form or another.

Such a commission could compel the railroads to put into effect through class rates, not only between Utah common points, but between all points in the state. At present shippers must use the combination of local rates from a given point to destination. For instance, the class rates from any point north of Ogden to practically all points south of Salt Lake must be a combination of locals. That is, the rate is made up by adding the intermediate local rates.

The injustice of this practice becomes clear when we analyze the elements or factors that are taken into account in fixing a given rate. We all know that one of the factors in the fixing of any rate is the cost of service, and in that cost of service there is the factor of handling or loading. If a through rate were in effect the rate would be fixed with relation to but one charge for such handling or loading. Now, however, the shipper, by being compelled to pay a combination of local rates, in effect pays for that one service of loading as many times as there may be local rates used in making the rate from his point of shipment to destination. It is fundamental that a railroad rate should decrease with distance.

The present coal rates are abnormally high and a lowering of these rates would be of inestimable benefit to the manufacturers and would be a persuasive element

in inducing the establishment of new manufacturers within the state.

A clear illustration of what might be accomplished by such a commission in securing lower distributing rates throughout the state is shown by a brief comparison with average rates now in effect out of Denver, Colorado. The average rate in dollars and cents per ton, using as a basis the first four classes provided in the tariffs, via six different railroads, hereinafter enumerated, diverging in all directions, both from Denver, Colorado, and Salt Lake City, Utah, is as follows: One hundred miles from Denver, $7.00; one hundred and fifty miles, $9.07; two hundred miles, $12.13, as compared with the Salt Lake rate of $9.68 for one hundred miles, $12.12 for one hundred and fifty miles and $14.86 for two hundred miles, or a difference in favor of Denver of $2.68, $3.05 and $2.55, respectively. In view of the fact that substantially similar operating conditions exist in both territories, the discrimination is apparent. The lines used from Denver in the foregoing illustration are Union Pacific, Colorado & Southern, Atchison, Topeka & Santa Fe, Denver & Rio Grande, Union Pacific, Chicago, Burlington & Quincy. The roads used from Salt Lake are the Oregon Short Line and Union Pacific, Oregon Short Line, Southern Pacific, Denver & Rio Grande, San Pedro, Los Angeles & Salt Lake and the Western Pacific.

The wide margin shown in the illustration operates very greatly to the benefit of Denver as a distributing center. While we have confined our comment in the above article generally to railroads, the argument applies with equal force to all public utilities.

The Marriage Relationship

No legislation has touched for ill the lives of so many people as the present divorce laws. In Utah from 1887 to 1906 there were granted 2021 divorces to men and women who had 4546 children. Every decree affected an average of two children for good or evil—mostly for the latter. The officials of our penal institutions are aware of the dire consequences of a disrupted family upon the moral upbringing of the children. Divorce invariably steels parent against parent permanently and the offspring suffer from the incompleteness of a normal home. This one striking example, coming lately under the experience of the writer, can be duplicated many times over.

Awaiting execution in a Colorado jail is a young man of 24, a native of Utah. A sister, 17 years old, was until recently an inmate of the Industrial School at Ogden, after having been in a similar institution in California. Another sister conducts a resort in a California town; she was divorced at 20 and has since had two children, though unmarried. The father and younger sister, when separately pressed for their idea of the cause of the train of evil running through the family, frankly said it was due to the divorce granted to the

mother fourteen years ago. The girls were reared without the virile guidance that a father would give, and the son grew up without the kindliness and love that a mother puts into her boy to lead him to a righteous life. The children were paying in their own lives for the sins of the parents and of the state.

Divorce legislation has been predicated on the doctrine that apparently mismated couples should be separated. The ultimate welfare of society has been pushed aside to give hedonistic satisfaction to the unhappy individuals. Now, the prevention of divorce has come to be more necessary than the granting of divorce. This is because the whole of our social outlook is changing fast. The prevention of fires demands more alertness and a larger force than the fighting of fires. The eradication of disease-breeding places calls for greater efficiency than the curing of diseases. It is recognized as poor policy to arrest and punish the delinquents, while permitting all manner of immoral places to flourish. We now find that we can better help the mismated by keeping them together if possible and we are sure that by so doing we better serve their children.

The prevailing divorce evil has arisen through the de-spiritualizing of the state. When the church nominally included all of society marriage was held to be a divine institution. The great mystery of life was evolved under the sacrament of marriage, which could not be disrupted except for extraordinary reasons. Today the Catholic countries have no divorce problem. Ireland and Italy, both strongly Roman Catholic, have, respectively, 2942 and 321 marriages to one divorce. Russia and England, where the dominant churches largely mould the social laws, have respectively 642 and 466 marriages to one divorce. The countries wherein the spiritual forces are feeble show a most deplorable contrast. Japan has 1 divorce to 7 marriages; Utah 1 to 15; France 1 to 35, and Prussia 1 to 60. In Utah during 1913 there were 5060 marriages and 332 divorces. Six hundred seventy children in this state who might have been members of happy homes, became members of disrupted homes because of these separations.

The church, before the state took over the supervision of marriage and divorce, held families together by the confessional and by authority. It may seem strange to affirm that the state, in order to correct the abuse to society that it has imposed, must adopt some similar means. Yet Judge Gemmill of the Court of Domestic Relations in Chicago has done this very thing. He found that 98 per cent of the complaints of domestic infelicity came from the wives and they refused to reveal to the men of the court the fullness of their troubles. He appointed a woman assistant; she heard their stories with a sympathetic heart. The court became the public confessional for families troubled with domestic discord. When kindliness failed to bring the one in the wrong to a realization of his or her duty to the other and their children the weight of authority was used against the recalcitrant party. Under the good work of the Court of Domestic Relations the tendency

is for the innocent party, or at least the less guilty one, to seek its offices. In many cases under our present system the guilty party is the first to rush to the divorce courts in order to be released from the inconvenient conventions of marriage.

Drink and abuse are found to be the two great causes of marital infelicity. Sixty per cent of all cases were traceable to these two evils. Divorce removes the one from contact with the faults of the other, but it does not change his or her nature. This secularized use of religious practices has the power to recast the hearts of men and women. The results of the work of Courts of Domestic Relations are fewer divorces, fewer estranged members of families and fewer delinquent children. When people are made to confess their faults they see their faults and, if they have a conscience, they endeavor to remedy them.

Yet there are several primary causes which make for marital infelicity that limitation of divorce will not rectify. They precede marriage. Amongst these are early marriages, particularly in the case of girls. The legal age for Utah is 18 years. With the advanced school curriculum girls are not at that age sufficiently equipped for the duties of married life. The age for girls should be 21, as in Wyoming. Lack of knowledge of each other is another cause of dissatisfaction in the married state. The romantic spirit that enthralls a hasty marriage does not maintain itself. Many persons are given a license to marry who answer to no questions that have a reference to their qualifications for undertaking the marriage relation. They often marry when neither party has any work and no money to organize a home. Every man applying for a marriage license should be required to testify that he has a renumerative position and that he has a sufficient sum of money to provide a home for his wife. Marriage has become somewhat of a jest because of the ease with which it can be entered and discontinued with the aid of the law. Secret marriages are another cause that leads to misconduct for which divorces can be legally granted. A law should be passed requiring the names of the contracting parties to be published three weeks before a license would be granted. Three weeks' longer acquaintance would reveal to many reasons for their not being married; for certainly that length of time now frequently reveals to some reasons for being divorced.

A Court of Domestic Relations is urgently needed in Utah. Divorces for a number of years have averaged one to every fifteen marriages. The children affected average more than two to each couple divorced. It is the duty of the state to protect itself and the oncoming children against the sinister influence of the many disrupted homes. The teaching of religion and public instruction in good living have little show of bettering society while the state aids in breaking up one home in fifteen.

Uniquity Under the Guise of Business

Last year we had something to say about loan sharks. We exposed the manner in and the extent to which patrons were gouged—usually patrons by abject necessity. There is another form of exploitation, which, though appearing under respectable guise, is probably as bad. We have knowledge of more than one case where real estate agents and brokers have enveigled ignorant people into signing contracts which those brokers must have known would prove disastrous to the signer. There is no limit to the ingenuity of guile and craft. Much can be done within the law which is so unchristianlike as to appal one's sense of justice.

Many immigrant settlers come here with their little hoard not altogether depleted. They are friendless and ignorant of our tongue and business customs. They throw themselves upon those who seem to be friends. Those who ingratiate themselves in the confidence of these sorts of people for the purpose of exploiting them are little short of villainous. Yet we know where real estate agents, pretending to respectability, have bought land in large quantities, divided it into lots, built flimsy houses thereon and induced these settlers to invest their meager savings under contracts calling for such a large purchase price as to preclude all hope of ever paying the same short of half a life-time. A man making $60.00 a month under obligation to support a wife and five children would spend a great portion of his life trying to materially reduce an indebtedness of $3,000.00 drawing interest continually at the rate of 8 per cent per annum. The sturdy immigrant is desirous of obtaining a home and under the allurement of owning it may be induced to act greatly to his detriment. It is idle to think that the real estate agent in these cases figures on any basis but one of obtaining a high rental. They must know that sickness, the loss of a job by one of the family or numerous other contingencies will put the signer of the contract where loss of the initial payment and all paid instalments is inevitable. It is one thing to "puff" one's wares to those trading on equal terms or at arm's length; it is quite another to overreach those whom you know are trusting to you for guidance and advice. Families have staggered for a long time under contracts signed in moments of high hopefulness, induced by smooth and persuasive talkers; and in the end they have seen their supposed possessions slip away from them. Business allowed under these conditions is laissez faire run wild.

A Workmen's Compensation Act

Hon. George H. Dern.

In the minds of some persons a Workmen's Compensation Act is radical legislation. It does not take a great deal of investigation to force one to the conclusion, however, that in its treatment of injured workmen and their survivors our boasted land of the free

should be listed among the barbarous nations of the earth, instead of among the civilized. This national stigma is rapidly being removed, because one-half of the states have already enacted laws on this important subject, and it is now safe to say that the American people are fully committed to the theory that the victims of industrial accidents should be cared for, and that every industry is responsible for its own accidents. The "Safety First" movement will greatly reduce accidents, but every practical person knows that a large proportion of the accidents that occur in most industries are unavoidable. In spite of all precautions, in spite of providing the best possible equipment and keeping it in perfect repair, men continue to get hurt and killed. Often it is said that it was through their own carelessness or negligence. Perhaps so, but it is a moral certainty that men do not get themselves killed on purpose, and it is also a certainty that their families are left without means of support, no matter who was negligent. The long and short of it is, certain occupations must be classed as hazardous and accidents are inherent in such pursuits.

The question is, who shall bear the burden of these accidents? Shall it be the workman and his dependent family—the people who are the least able to bear it? Any man with a spark of humanity must say emphatically, No! Shall it be the employer—that is, the particular individual employer for whom the injured man was working? Lots of people say yes, and some compensation laws are drawn on that principle. A more equitable method would seem to be to make the industry, not the individual, responsible for the accidents that it creates. It has been said, "The manifest injustice of making an employer liable for a loss against which he has taken every known precaution, and for which he is not even indirectly responsible, is so great that no permanent and satisfactory system can be based upon it." For example, a miner deliberately left his safe place of work and went into an old abandoned stope, where he had no business, and while there a rock fell and killed him. He did not intend to get killed, but his family was left destitute and must be provided for. By no stretch of the imagination can the employer be accused of negligence, and yet social justice requires that the standard of living of the family of the deceased shall be maintained. The mining industry at large should pay for such an accident, not the particular mine in which it happened.

An employer's liability measure that makes every employer liable for his own accidents, regardless of negligence, is therefore open to just criticism. It is also defective on account of the way it operates in case of a great catastrophe, where many lives are lost at one time. In such an event the law would often put the employer out of business because of inability to pay the amounts specified. At the same time it would be objectionable and unjust to employees, because in a contingency of this sort their dependents would not be assured of getting the compensation provided by law,

since the operation of the law itself would bankrupt the employer.

However, in a scheme to assess each industry for its accidents there should be an attempt to give the individual operator the full benefit of his own careful methods of operation. If a uniform rate is charged all employers in a certain class it discourages safety measures. In other words, the careful, efficient, able operator has to pay for the accidents of the careless, reckless or ignorant operator.

One of the chief objects and advantages of a workmen's compensation law is to do away with damage suits. Litigation is wasteful, both of time and money. Furthermore, it tends toward strained relations between employer and employee, and strife and contention are things that detract from the joy of living, besides working for inefficiency. The end to be desired is an automatic settlement of all claims, on a fixed basis, instead of the employer fighting to settle for as little as possible and the employee fighting to get as much as possible. Employers, when they settle for an injury, too often feel that they have done an act of charity. It should be considered a matter of justice, not charity.

Another desirable thing would be, if possible, to do away with employers' liability insurance. The present evils of liability insurance are commonly known. The cold-blooded actions of insurance companies are a fruitful source of friction between employer and employee, even though the former be humane and just in his own mind. And then it has been calculated that only about 26 per cent of the premiums paid to employers' liability insurance companies is paid back to injured workmen. The other 74 per cent goes for commissions, expenses, attorneys' fees, dividends, etc. Obviously, if the business could be handled by some mutual organization, not conducted for profit, or by the state, at an expense of, say 15 per cent of the premiums, there would be a great gain for employees, without adding to the burdens of the employers.

Most employers would prefer to see the money go to the men or their families, who need it and deserve it, instead of to the insurance companies and lawyers, because it would be more just and because it would promote harmony between labor and capital.

There is, however, a serious objection to the state going into the insurance business and that is that the commission or board that would administer the insurance law would be made up of political appointments. Of course, it all depends upon the sort of men appointed. Until public service becomes a recognized profession in the United States, instead of a political plum, there is always bound to be some danger in political appointments.

It should be added that a workmen's compensation law which provides that an employer may insure his risk would specify a definite schedule of compensation, and thereunder an insurance company would probably be able to carry the business at a rate that would allow a higher loss ratio. Then, too, the elimination of law

suits means that the victim of an accident would get all of the compensation, instead of having to divide with his lawyer.

Most of the laws that have been enacted in the several states are elective. Either an employer or an employee may elect not to come under the provisions of the act, but if the employer makes that election he is deprived of the common law defenses of contributory negligence, the fellow servant rule and assumption of the risk. This is a pretty big stick and brings most employers in, but employees may remain out, and therefore there is still plenty of chance for litigation. A compulsory law probably could not get past our Utah constitution, and yet the best thought on the subject is that the law should be compulsory and should constitute the sole remedy. Elective acts are better than none, but they do not wholly do away with controversy, and they create more or less dissatisfaction. A compensation law necessarily fixes rates based on averages. The employer pays the average amount, even in a case where he is absolutely blameless. It would therefore be unfair to subject him to suit and danger of a big verdict in exceptional cases or cases where he was technically or actually at fault.

A just and equitable workmen's compensation law ought to be welcomed by employers as well as employees of Utah. It would promote industrial peace; it would insure justice to the laborer, and it would give the employer a greater sense of security. It should be borne in mind, however, that the Legislature has not a free hand on this subject, but must endeavor to construct a measure that will not contravene our state constitution, which provides that "The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation."

A Workmen's Compensation Act

Hon. Frank Evans.

It is probable that the Legislature which is about to convene will consider the passage of a workmen's compensation law. There is a universal demand for relief from the present unsatisfactory method of dealing with industrial accidents. For a century past the law has recognized a right of action by an injured person against one to whose carelessness or negligence the injury was due. Of course, in case of wilful injury, the wrongdoer has always been subject to punishment by the state through fine or imprisonment or otherwise, but in the last hundred years there has grown up a system designed to afford redress through the payment of money for an injury by which one is deprived wholly or in part of his ability to pursue a livelihood. In case the injury results in death those dependent upon the deceased for support or entitled to succeed to his estate are given a right of action against the wrong-

doer. The rules by which this money compensation is measured are based upon the earning capacity of the injured person, his expectancy of life, the amount which he would contribute to the persons suing and the expectancy of the persons entitled to sue.

Claims for money compensation generally arise out of injuries to workmen. Under the present method the employee usually asserts a claim against the employer and in nearly every case the employer denies liability. At the same time the employee, realizing that he has been deprived in part or wholly of his earning ability, feels that there should be some redress and, having no one else to look to, quite naturally makes his claim against the employer.

There is no kind of legal controversy more bitter than that based upon industrial accident. The employee charges his employer with negligence in failing to furnish him with a safe place to work or to supply him with reasonably safe and adequate machinery, or with failing to give proper instructions or warnings. On the other hand, the employer endeavors to lay the fault upon the employee and thus to escape liability by charging him with contributing to the injury through his own negligence or carelessness, or by claiming that in effect the employee agreed to accept the risk of the employment, or that the injury was due to the act of some other employee, for whose acts of negligence he (the employer) cannot be held responsible; but the Austrian government tables, which are said to be the most complete and accurate in Europe, show that 70 per cent of all factory accidents are not due to the fault of either party, but are unavoidable. The German experience tables, covering twenty years, show 16.81 per cent of accidents due to the fault of the employer, according to which only this percentage of the claims against employers are based upon merit if the basis of merit is the fault of the other party. As a matter of fact, the employee recovers in only a small percentage of the cases which have actual merit and in still fewer cases does he receive adequate compensation.

Both parties, therefore, suffer grave injustice under the present system and both parties, therefore, often resort to unfair and improper methods of prosecution or defense. It is generally admitted, from a standpoint of common sense, that the common law defenses available to the employer are without merit. For example, we often see an employer directing an employee to perform a certain piece of work in a certain way, and while the employee is specifically following the instructions of the employer he is injured without any fault on his part. When he sues for damages we find the employer endeavoring to escape liability by maintaining that the employee assumed the risk of his employment, or that the injury resulted from a condition which was inherent in the employment. It is quite common also for an employer to charge an employee with contributory negligence when the risk assumed was accepted in an endeavor to preserve the property of the employer or to protect the lives and limbs of other employees. In

other cases we see the employer disclaiming all liability because the injury was caused through the neglect or incompetency of some other employee with whose selection the injured person has had nothing whatever to do. The application of these arbitrary rules very often defeats justice and makes the controversy between employer and employee more bitter, as well as depriving the injured employee of redress and throwing those dependent on him upon the charity of the community.

This whole subject of industrial accident is an economic question which should be governed by broader and more fundamental principles than have been applied to it in the past. The whole community is directly concerned in all lawful and necessary industries, and one of the incidents of the industrial problem is the element of human labor. The prime factor in the production of life's necessities is human effort, machinery and all other appliances being the minor factor. Whenever any of the essential factors are decreased or diminished the industry suffers and the community experiences a loss. Our community life of the present day is extremely complex and there are now in use varied and complicated mechanical devices designed to increase the efficiency of human labor. As these complications multiply, the dangers to those employed in the industries likewise increase, and in recent years the loss in the laboring force of our communities has become appalling. Six out of every 100 workers are injured each year. Out of every 100 accidents 90 produce temporary disability, 7 cause permanent disability and 1 results in death. The public conscience has been awakened within the last ten years and the "Safety First" sentiment is emphasized everywhere.

With all the efforts that are being made, however, and which may be made in the future, it is beyond the vainest hopes of the "Safety First" advocate to expect that industrial accidents will be wholly eliminated. It is a problem by which we are confronted and which we must face in a practical way, and for this loss the community must create some compensating agency by which the loss will be properly distributed upon the community. The controversy between the injured employee and his employer and the artificial devices which the law has provided for the employer, and the unjust verdicts which are so often given against one party or the other, all must be eradicated in order to get at the real merits of the question. Of all the moneys which under the present system are paid out by the industries in the way of settlements on judgments in personal injury cases a little in excess of 25 per cent actually reaches the hands of the injured employee or his successors. Elaborate statistics disclose the fact that the other 75 per cent goes to the maintenance of liability insurance companies, special investigators, attorneys and expenses of litigation. It is quite apparent that almost any method, however inadequate, which would prevent this tremendous economic waste would be better than the present system. Every civilized for-

eign country has adopted some method or some scheme of compensation under the control of the state. There are two principal systems in operation—one German and the other English. These are in many respects similar, but differ principally in this, that in the German system the burden is placed indirectly upon the employer, whereas in the English system it is placed directly upon the employer and indirectly upon the community.

Nearly all legislation upon this subject is of recent date. The first steps toward a compensation law were taken by Prussia in 1838 and that country's legislation upon this subject was completed and codified in 1900. Almost all American legislation on employers' liability and workingmen's compensation has been enacted within the past ten years. Some form of compensation law is now in operation in twenty-nine states of the Union; the states of North Dakota, Wisconsin, Oregon and Ohio have recently enacted laws of a very high and satisfactory type. These measures have usually been prepared by commissions appointed to investigate and recommend to the state legislature a law suited to the industrial conditions in the particular state; the reports of the commissions in the states mentioned are especially instructive.

The important elements usually to be determined in the preparation of an adequate law are, first, as to whether or not the law should be made compulsory or elective. In theory all employers and employees of the classes of industries affected by the law should be required to submit to its provisions, but in practice there often arise constitutional objections, both under the state and the federal constitutions, relating to the right of trial by jury, the taking of property without due process and the guarantee of the equal protection of the law, which favor the elective plan. New York has held a compulsory law unconstitutional, while the state of Washington has held to the contrary; and to avoid any question of constitutionality on this point the better method is to make the law elective, but upon terms which will render it compulsory in practice. That is, make it to the advantage of both employer and employee to accept the law and deprive the employer of the common law defenses—the fellow servant rule and the doctrines of assumed risk and contributory negligence—if he shall fail to submit himself to the terms of the law.

Another element important in a good law is the scale of compensation, which should be as near just and fair to the industry on the one hand and the employee on the other as may be, and when the award is once made the payment thereof should be prompt and certain. The insolvency of the employer or of the industry should in no way interfere with the payment of the award and the method of payment should be simple, so that it may be made without long delay. The operation of the law should be economical and should be under the supervision and control of the state. A permanent fund should be established, out of which all

awards should be paid, this fund to be in the hands of a responsible state officer whose official bond shall be sufficient to protect the fund. Usually this fund is in the hands of the state treasurer, but is kept separate from other state funds. The fund is generally created by an assessment upon each employer or industry and is regulated by the number of employees and the amount paid to employees; for example, an assessment of 3 per cent of the annual pay roll will be levied upon an industry, and in some states an assessment of one-half of 1 per cent will be levied upon the employees, and the state will contribute an amount equal to one-half of 1 per cent for the carrying out and enforcing of the law. According to estimates previously made by actuaries, such an assessment will produce a sufficient fund, together with an adequate margin of safety, to pay all awards made in accordance with the scale of compensation established by the law. But in the event that this fund has at any time become exhausted the state, by special provision, makes up the deficiency. In some states it is provided that the assessment made upon the industry will cease when the required percentage shall have been paid and shall stand to the credit of the industry until an accident occurs and an award is paid out of the fund, when the obligation to commence payment immediately arises and continues until the industry again has to its credit the required percentage. This has the effect of placing the burden more directly upon the more hazardous occupations or industries, and at the same time operates as a strong incentive to the exercise of care and the employment of safety devices and competent employees.

Since a large proportion of industrial accidents are not due to the fault of employer or employee, but are unavoidable and constitute a burden necessarily incident to the carrying on of the industry, this burden should be included as a necessary part of the cost of producing the commodity manufactured by the industry; therefore, while the cost of accident falls immediately upon the employer who organizes, finances, controls and directs the industry, under an efficient compensation law the burden is made to fall directly upon that part of the community which consumes the commodity produced by the particular industry.

As between the present method and the method provided by the better type of compensation laws there is no longer any room for debate, it being universally conceded that the present method is wasteful and uneconomical, while the better and more recent legislation upon the subject approximates exact fairness and justice in the results obtained and is, in principle, economically sound.

A Court of Domestic Relations

James H. Wolfe.

Our system of jurisprudence provides machinery for severing the relationship of marriage, but none for keeping it intact. The state, on grounds of high social

morality, makes itself not only the arbiter, but an unnamed party in all actions to dissever the "status" arising from marriage. Why has not the state an equal or greater interest in removing, to the fullest extent possible, the causes which lead to disruption? Why should not our courts be more concerned in healing breaches in domestic relations than in a mere cold review of them for the purpose of determining whether those breaches are yet sufficient to decree a legal discontinuance of that relationship? As yet there is no such machinery in Utah. Even the machinery of divorce is woefully lacking.

The relationship of marriage is the most intimate in the world. It is an intensely personal relationship; all its difficulties are dreadfully human, and yet the same procedure which handles commercial and property rights, such as suits for money demands and actions to quiet title, is applied likewise to this domain, involving not things, but persons. The same atmosphere of guarded and cautious play of wits between witness and attorney, witness and witness, attorney and attorney pervades the courtroom. The temptation of each side to reveal the favorable and suppress the unfavorable, to emphasize the trivial to the detriment of the important, is given large opportunity. The judge sits high on the dais, a referee, to see that the game is fair. In default cases the statutory proof is perfunctory. The inquiry is not unto the history, but simply as to the ultimate facts. For every case of divorce actually arrived in the court there may be a dozen on the way. There is no machinery for interceding, no tribunal which may stop them enroute. They must mature to the age of complete disruption and then the court will hear them, decree disseverance and stand them aside to make ready for those that follow.

Marriage is subject to all the confusions of life, to all the maladjustments of our social system. The loves and the hates, the joys and the sorrows, the sacrifices and the selfishnesses are here heightened a hundred-fold. This life-long relation is subject to all the stress of human incompleteness and imperfections. The wonder, after all, is that it is so successful an institution. With all this before us and knowing the great concern of society in the continued stability of the relationship, we have only lately invented a humanized and friendly tribunal to deal with its perplexities. There was no way in which a drunken or brutal husband, as such, could be made to do his duty, no sensible way to constrain a dissolute mother to attend to her family obligations, no adequate means of requiring a lazy man to support his children. There are many cases, not yet ripe for the divorce court, which if brought under the tutelage and supervision of some friendly tribunal, backed with authority, might well stand the strain of temporary abnormal conditions and emerge triumphant.

The Juvenile Court can take hold when dependency or delinquency of the children enter. By taking large liberties it may act partially as a Court of Domestic Relations. But a real Court of Domestic Relations must advertise its purposes and hold itself out as a ready

refuge for the family in trouble. It cannot hide its functions under some other name. There is also a criminal statute making it a misdemeanor for husbands wilfully to neglect or abandon their wives and children in destitute circumstances. The limits of this law are apparent from the stating of it. There also exist regular criminal statutes for handling cases of assault, bastardy and drunkenness, regardless of their relationship to or effect on the family. There are, too, courts where separate maintainance may be exacted or divorce procured; but all of these, barring the Juvenile Court, are incurably cold with soulless procedure, legal technicality and the lawyer atmosphere. None of them are fitted for handling cases before they arrive at full maturity of viciousness. In each case something illegal, not merely unsocial, must have taken place. They do not recognize that there is a field of difficulties in domestic life with which it is the business of no one to concern himself. Nothing will illustrate the defects of the present system and the advantage of the one advocated better than a picture drawn from life.

Not long ago a frail little woman, miserably poor and desperately troubled, pushed her way into the inner room of a Salt Lake attorney's office and stood blinking at him from the middle of the room. Hers was the face of a submissive, frightened animal. Muttering something about wanting to know "what to do," she was told to sit down. Patient inquiries, answered in Swedish-English, revealed the following story: She had four children. Her husband was a painter, mostly out of work. He had given her $115.00 in the last nineteen months. He drank and was brutal to her; had repeatedly threatened to kill her and had even menaced her with a carving knife. Apparently he was fond of the children (a hopeful sign). She was a good house manager after a person of her fashion, but without training in any line of work. She was unwell and in constant fear. What was she to do? What could she do? An action of divorce was suggested. She feared that he would, in his wrath, kill her. Could she not flee pending divorce? She had no friends who could care for her and her children. Could she not support them meanwhile? She was untrained and unnerved for any employment which might be forthcoming. Then, too, could she have obtained work? But, suppose, for analysis, she could have safely obtained her divorce. What would have been the outcome? Alimony could not have been collected where the husband was out of work. Perhaps separation from his children would have killed in him the little manhood remaining and, bitterness taking its place, would have resisted all attempts to collect alimony. But let us not yet stop in our career of supposing. Suppose the court, through a mess of evasive or unintelligible answers, would conclude that he was recalcitrant, purposely shirking work or employment. He would be committed to jail, where he would be served with three meals a day, while his family, free but famishing, would be none the better off. Perhaps this man was willing to work, and despair, at the lack of it, brought to the surface the animal which lay so

close to the skin. He became bitter and took it out on his mite of a wife. Perhaps it was not a case for divorce. He was fond of the children. And $115 was better than nothing. What he needed perhaps was a little encouragement, a little "jacking up" from some authoritative, sympathetic tribunal always and readily accessible to either spouse and capable of extending supervision through its probation officers. When an agency rooted in the law intercedes, the appearance of officious meddling, resented on the part of a well-meaning friend or stranger, is not present.

Under the above situation the attorney was utterly at loss; so was the tear-dimmed little woman. She had been to the city attorney's office for help—a bold venture. She had been referred to this private attorney —without results. Her life must continue in terror. Suppose there had been a Court of Domestic Relations in existence. She would have been referred to that, would have told her story to the secretary, a sympathetic and resourceful matron. Perhaps a probation officer would have been detailed for quiet investigation. Perhaps, after the report of the impartial investigator, a letter or even a warrant would have been served on her husband to appear for conference or for a hearing, as the case might require. If there was likelihood of danger to the wife, she and the children, referred to the proper charity agencies, would have been taken care of pending the outcome. The machinery once set in motion by a mere oral complaint would have at least taken hold of the situation with fair degree of success. If, after several trials and attempts at reconciliation and upbuilding of the family unit, divorce or permanent separation would have been found necessary, this would have been decreed, not blindly and amid a fog of opposing facts slung together, but after a truly historical knowledge of the case.

Courts of Domestic Relation now successfully operate in Chicago, New York, Buffalo, Cincinnati and elsewhere. The Chicago court, a branch of the splendid Municipal Court system, probably the most widely known. A review of its truly wonderful work, together with its splendid co-operation with the social agencies of the city, will give us some idea of the need and usefulness of a like court for Salt Lake County. The Chicago Court last year heard 4413 cases. Besides the judge, chosen from a large number because of special qualifications, there are the necessary clerks, bailiffs and several secretaries. At least one of the secretaries is a woman. Later a doctor and nurse were added. The court is in close touch with the offices of the County and District Attorney. Beside the court hearings there were from 75 to 100 conferences held each month between the secretaries and quarreling couples. A large portion resulted in reconciliation. The two secretaries last year heard 10,765 complaints. Assuming Chicago to have a population of 1,750,000, this would mean that approximately one out of every 160 persons, counting repeaters, complained to the court. A like ratio for Salt Lake County alone would mean

that about 813 persons would apply to the court for intervention. And remember that for each complaint there are at least two persons concerned. The secretaries sift out the cases and only when necessary issue warrants summoning parties for court hearing. A letter requesting the husband or wife to appear and talk things over is mostly sufficient. It is remarkable what additional incentive there is to try and do right when it is understood that domestic conduct may be subject to review, reprimand and even punishment outside of the home. And the secretaries or judge soon see when the party is trying to use the court as a gossip valve or to nag or coerce the other party. On a great many cases relief or legal advice is what is required. In fact, one of the great uses of the court is its service as a guide and reference bureau for all sorts of needy cases. In Salt Lake many a case of despair finds his or her way to the City Attorney's office thinking, by its name, that it is a resort for free advice to citizens and a public agency for the righting of wrongs. It makes one sick at heart to see the distress of these people, knowing one's own helplessness to aid. How eagerly they lean on you for support, how expectant of aid so long withheld! It takes courage to acquaint them with your own inability to remedy the condition. The Chicago court refers each case of need to the agency peculiarly fitted to deal with it and these agencies have arisen as their necessity became apparent. The court thus acts as a legalized central charity distributing agency. A glance at some of the most significant of its published figures plus a little use of vitalizing imagination, gives one a picture of the weaving in of all the social organizations with this court. With dispatch and precision cases were referred to the United Charities (323), Children's Association (8), Visiting Nurses' Association (53), St. Vincent De Paul Society (10), Illinois Children's Home and Aid Society (9), Catholic Women's League (57), County Attorney (73), County Agent (3). The reports show that 1011 cases were placed on probation, that 143 mothers named fathers in bastardy cases, that 604 attachments issued to compel maintenance payments. A number of cases were referred to different societies for investigation. The whole system shows opportunity for accurate knowledge of family history and a ready means of taking care of each case on its own peculiar merits. In Utah we must scratch our heads over situations unless they fit into fixed and rigid moulds. To those more or less acquainted with the hospital side of life and the difficulty of properly disposing of cases whose misery haunts one like a plague this converging of all the social agencies into the hub of a legalized court seems pregnant with possibilities.

Our Legislature would have but little difficulty in establishing a Court of Domestic Relations, because the materials for constructing it are largely in place ready for operation. The same judges who sit on the Juvenile Court could preside over a Court of Domestic Relations and the same probation officers would and should be common to both courts. It is highly desirable that investigators be able to cover all the phases

of family disorganization and that the hearings take into consideration all sides of the problem and that a decree be made to cover the situation as completely as possible.

The Court of Domestic Relations established for the judicial district in which Salt Lake County is located would have charge, together with its twin brother, the Juvenile Court, of cases of child desertion and abandonment, delinquency and dependency of children, non-support of poor relatives, bastardy, drunkenness and dissoluteness where it affected the family, the breaking of child labor laws, divorces, separate maintenance and those cases of family friction endangering the relationship. Its work would be mainly constructive, hence its co-operation and use of existing agencies. Where unemployment was the apparent cause of family demoralization it would seek, through the aid of employment facilities (state and city employment agencies are much needed), to remedy this situation. Its object would be to take hold and cover as completely as possible the field of cases where disorganization of the family or parent life was involved. Its purposes are well generalized by Judge Chas. N. Goodnow as follows:

1st. Uniformity of decisions and treatment of offenders.

2nd. Removal of women and children from the evil influence of a police court environment.

3rd. A more intelligent understanding of conditions and environment surrounding each case and consequently a more just and sympathetic treatment of each offender.

4th. A vigorous reaching out for the causes of delinquency and dependency in children, and by promptly checking the cause lessen the effect.

5th. An effort to make the court equally as good an agent to keep husband and wife together, and thus give the children the home influence, as it has been an agent in separating them.

6th. To inaugurate a system whereby delinquent deserters may be promptly compelled to support their wives and children, thus forcing the one upon whom that obligation rests to perform that duty and relieve the charitable public of another burden.

7th. To exercise a watchful care over deserving and unfortunate women and children, by seeing that they are placed under protection of some person or organization that will extend to them such help, advice and direction that will put them in the way of becoming self-sustaining.

8th. To keep a complete system of records regarding each case so that in time, from the composite whole, some useful results may be obtained and some beneficial laws enacted.

9th. To give prompt trials, especially when juries are demanded, and thus give more speedy justice than heretofore.

A treatment of this subject should include a word regarding offenders and what is said will apply to our handling of criminal offenders in general. We put a

man in jail for failing to support his family or pay alimony, putting it beyond his reach to do the very thing for the failure of which he is put there. Meanwhile his wife and children go hungry, although he is comfortably housed and fed. No system of correction is proper which does not compel a man to earn his own support as well as that of his family. If the county owned a farm upon which it could reasonably work the hobo, the inebriate and the lazy or brutal husband, turning over the quid pro quo for his family, it would help solve the problem. New York City has established a farm for its inebriates and so successful has it been that it is buying another for the care and employment of those whose crimes are traceable to less pronounced mental deficiencies. Our law on wilful wife desertion provides for working the prisoners on the road, a dollar per day to be paid to their families. But road work is not always to be had and the limited class of prisoners whose offense is wife desertion makes the number so small as to send up the cost of surveillance per man out of all reason.

Furthermore, keeping in line with our prospective wife deserters depends upon the vigor with which we pursue those who have transgressed. The position of the Attorney General that extradition is too costly for the results derived is not sound. If a man knows that he can evade responsibility simply by fleeing over the state line the moral persuasion for remaining to do his duty will be much lessened. We must count not only the cost but the value of action.

It is the intention to introduce into the present legislature a well-considered bill providing for a Court of Domestic Relations in judicial districts containing cities of the first class. A proper understanding of its merits by all the legislators will mean not a dissenting voice, for it is purely a social and in no way a political measure.

A Public Utilities Commission

John A. Beck, Jr.

No fair-minded and intelligent person will deny the great value of the railroads in the upbuilding and the progressive development of our country. The transcontinental lines have brought about the phenomenal strides in progress made by the western half of the American continent.

Such factors in the expansive growth of our country are entitled to just and generous treatment, both at the hands of the National Government and those of the individual state. That they have received and will receive such treatment cannot be honestly denied. The men who projected the great undertaking of building the Union and Central Pacific railroads should receive the full measure of credit that is their due, but the gigantic plan which they conceived could not have been carried to a full realization without the subsidies in land and the financial backing of the United States Government. The whole American people aided in the

building of those and other railroads. Therefore, the people should receive just and fair treatment in the hands of the railroads. While it is true that the railroads have, in many cases, been the pioneers of settlement, creating conditions for the farmer, the miner, the merchant and the manufacturer, it is also true that the roads were not built in the spirit merely of patriotism, but primarily for private gain. They were projected upon business principles, just as other industrial enterprises are, and the chief object of those who took part in the work was to amass wealth. At the same time it is clear that the owners of railroads should not be permitted to amass wealth too rapidly and by improper means, such as overcharges and unfair discrimination. The possession of great wealth, all too frequently leads men to use it in an unjust and oppressive way, even though unconsciously. Therefore, while studiously avoiding all intentional injustice to any railroad, it is only a part of wisdom for people to collectively see to it that they also receive justice at the hands of the railroads and other public utilities.

As we all know, every railroad is not only a common carrier, subject to the law applicable to that class of public servants in general, but they are carriers on a great scale, amounting in most cases to a natural monopoly. It is impossible to imagine a railroad subject to competition, the same as the stage line or freight team. It is very seldom that parallel lines are built save at some distance apart. While they may compete at some terminus or point of intersection, there is nearly always a broad belt of territory directly dependent upon each road. Comparatively all railroads represent large investments of capital and are in a position to exercise a tremendous influence for good or evil upon the welfare of any state or section through which they run.

The vast growth of the carrier system has attracted the attention of thinking men throughout the land.

The controlling of freight and passenger traffic of the United States is, through the ownership of the railroads, virtually in the hands of a few men, who, in a measure, largely dictate the financial policy of the nation.

The absolute necessity of placing a reasonable check upon such power is too patent to require argument. The public mind has been concentrated upon it to such an extent that the just and proper regulation of railroads has now become the established policy of practically all of the individual states and the National Government. Men may differ as to the method of regulation and as to how far it should be carried out, but practically all, except those whose power is curbed, are agreed that it should be done in some way. The National Government has exercised its wisdom on this subject, and has created the Interstate Commerce Commission, with jurisdiction which covers a field indicated by its name. While forty-five states have followed this example and established a similar commission, having jurisdiction of intrastate traffic, that is, traffic which originates and ends within the confines of the individual state. Why should Utah be one of

those belated states? Is it because of the over-conservatism of its people to adopt methods of regulation which even the National Government has found necessary, wise and expedient? Is it because the railroads have shown such an unselfish public policy in this state that the people have determined that regulation was neither necessary nor expedient? Or is it because intrastate passenger and freight rates have been and are abnormally low? If we are all really honest with ourselves we would answer these questions by saying that capital and particularly the railroad interest have opposed every regulative measure ever proposed and in that opposition have used every source of influence at their command or within their power, whether it was fair or unfair, legitimate or illegitimate. It is a positive fact that even they have not the temerity to deny that the railroad interests have exercised a power in our legislative halls which has been detrimental to the rights and welfare of the people. Any one who will undertake to familiarize himself with state legislation may easily acquire this information without further investigation; it is all too pathetically plain.

The argument heretofore advanced that the expense which would be incurred in the creation and maintenance of a public utilities commission would not be commensurate with the benefits which such a commission could secure for our people has been a deadly weapon in their hands. They have succeeded in convincing the majority of our legislators that the creation of such a commission was wholly unwise and unnecessary. They have pointed out to our legislators that our statute books contained all the legislation necessary to protect the public against unreasonable charges and discriminations. But those who are familiar with and who bear no prejudice look upon the statutory enactments as little better than a monument to the success of the railroad lobbyist. We earnestly hope that this Legislature will not permit itself to be blind-folded and gagged and become a helpless body, but will keep alert and stand as a unit for the enactment of progressive and enlightened legislation. The people of this state want and need such a commission and need it badly. This is evidenced by the platforms adopted by the various political parties. It was to meet the popular will that these platforms contain the pledge to support the enactment of such a measure. If these platforms are not to be a mere sop to the people, if the legislators are to keep faith with their electors, if the interests of the people are to be faithfully and intelligently served, if the economic and industrial welfare of the state is to be promoted, then it behooves each and every legislator, with every force at his command, to insist upon the enactment of a measure providing for the creation of the public utility commission, which shall have jurisdiction over all common carriers and every other public service corporation, and to delegate to such commission the power and authority which shall give it adequate control and make it an active and vital force in securing reasonable rates and charges and preventing all unjust discriminations and practices.

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CAPTAIN M. M. WOODS.

Seldom are we given to extolling the life and character of men. The good that men are trying to do is so much more important than the men themselves that we are forced, unfortunately, to devote all our energies to that. In rare instances a case arises where the deeds of a man are so inseparably connected with character that both must be considered together. The brief mention we here make of Captain M. M. Woods is not prompted by esteem or desire to pay a personal tribute only, but because we think that his unselfish services to humanity during the sixteen years of his work in Salt Lake City present the opportunity to hold forth a noble example of idealism. Day and night this man of sturdy frame and firm, kind face has ministered unceasingly to the poor of Salt Lake City. Many a worn and hopeless mother, many a family in despair have felt, like a benediction, the cheerful and compelling presence of this servant of humanity. His help has brought the glow of hope to many a heavy heart and filled scores of dingy rooms with gladness. Often we have seen him cutting his way through the streets of our city, his satchel slung across his shoulder, on his way among the poor and lowly. His material reward has been a miserable monthly pittance—less than many men spent a month for cigars. His indefatigible devotion to duty, his wide contact with the hospital side of life have left his kindly disposition untouched with any souring cynicism.

We are deeply glad that the commissioners of Salt Lake County have appointed him pauper clerk. No appointment was ever more fitting. It is at least a belated recognition of his splendid services. Materially he cannot be rewarded. His work is of too great a kind for that, but his salary will now at least take from him the fear of want and enable him to provide somewhat for the declining years of his life. His present vigor bespeaks of a long period of continued usefulness. We know it will be devoted without stint to the attention of those who need the feel of a firm grip

and a kindly word. When Captain Woods' life is done our newspapers will devote editorial mention to him. We are glad of this opportunity in his lifetime to express our thanks and extend our congratulations to Captain M. M. Woods.

PAWN SHOPS AND SALARY LOAN AGENCIES.

We understand that endeavors will be made in this session of the Legislature to pass laws regulating the Pawn Broker and Salary Loan Agency business. We venture a hint in possible aid.

The laws already on the statute books are very stringent. Under these laws it may be impossible for the pawnbroker and salary loan agent to do business at a profit. He must, perhaps, break them in order to do business. As we have not had access to the books of any of these concerns we are able only to surmise. We know, however, that Congress restricted the interest rate in Washington, D. C., on this sort of loan to 1 per cent per month, with the result that the loan sharks could not operate at a profit. They were driven across the Potomac into Virginia, from whence they ran busses to the government buildings and carried their patrons to and from their places of business, charging them the same exorbitant rate as before. Had a rate of 2 or 3 per cent per month been allowed, these brokers would have remained in Washington and abided by the regulations. Mr. Exnicios, an expert on the small loan conditions in the various cities of the country, states that business cannot be done profitably on 1 per cent per month.

The legal reforms needed might be accomplished by amending Section 1241x, Compiled Laws of Utah, 1907, so as to allow concerns especially licensed to do a pawnbroker or salary loan business (and compel such concerns to give bond and procure licenses from the state), to charge 3 per cent per month as the rate of interest. The statute, as it now reads, as far as ordinary bank and mortgage loans are concerned, is more than reasonable. Twelve percentum for these loans may be too high. But where the cost of selling unredeemed articles of questionable value, together with interest and storage charges during the period of redemption, is involved, 3 per cent per month is probably not out of the way. The period of redemption should be made 12 months in the case of pawnbrokers. Section 1709, Compiled Laws of Utah, 1907, should be repealed.

The salary loan agencies compel their borrowers to sign rigid and all-renunciating contracts, giving the agency power of attorney to do about every act in re-

gard to the property and wages of the borrower that he himself could do. This virtually means that the borrower owns no property, as the vital and essential element in the conception of property, i. e., control, is taken from him absolutely. In the Salt Lake Evening Telegram of Friday, February 20th, 1914, are printed copies of the instruments which the borrower is compelled to sign. It is difficult to limit the contracting powers of the agency so as to restrain it from persecuting the borrower without abridging the freedom of contract generally. The law should at least provide that the contracts be executed in duplicate and that the borrower be given a copy. In most cases the borrower needs the money so badly that he signs anything which is pushed before him without question. He only discovers the oppressive powers of the paper he has signed when he is in the position of not being able to meet his debt. Then he cannot consult counsel intelligently or make a defense without great inconvenience, because he does not know what he has signed. There should also be some provision for allowing recovery of damages where the use made of the powers of attorney and assignment of wages were so oppressive, persistent and unconscionable as to amount to malice or inhumanity. Thus the Kansas case of Stalker vs. Drake, reported in 136 Pac. Rep. 912, holds that $5000.00 punitive damages was not out of the way in one of the most heartless cases of oppression perhaps ever recorded in the loan business. While there is always the common law right to recover punitive damages, it might be wholesome to enact this right into a statutory law which would place the right of the borrower squarely before the salary loan agency as a warning.

Any law passed should provide for drastic penalties in the case of infractions of the law. It is to be remembered that no law will solve the difficulty if the county attorneys fail to take such steps as will bring the offenders to justice. Oftentimes the borrowers are ignorant of their rights or timid about complaining. The officials must themselves keep a watch and not sit in their offices waiting for the evidence to be brought to them.

THAT STORY FROM IDAHO.

Certain Salt Lake papers are giving a great deal of news and editorial space these days to the information received from Boise that a bill had recently been introduced in the Idaho Legislature having for its purpose the repeal of the Public Utility Law, enacted two years ago. If our memories serve us right, these same

papers took little or no interest in spreading the news when this particular law was put on the statute books of our sister state. Why are they taking so much interest now? Is it because we have a bill for the proper control of Public Utilities before our own Legislature?

The papers are simply lending themselves to the old time-worn tactics of prejudicing the public mind with reference to a progressive measure by directing attention to the alleged weaknesses and failures of like reform measures adopted by other states. The mere fact that the Idaho statute, by reason of certain jokers which the railroads had ingrafted into the law, is now used as a precedent by them in an attempt to show the impracticability and uselessness of public utility laws in general.

There are forty-five states in the Union that have a utility or similar statutes on their books. Utah, Wyoming and Delaware are the only states that have failed to pass such laws. We have never heard of a state repealing a Modern Utility Measure when once enacted and doubt very much the sincerity of the Idaho legislator who has seen fit to introduce this so-called repeal measure.

Railroads are known to have a great deal of influence in the State of Idaho, especially with members of the Legislature. It would not be strange if they got one of their henchmen to introduce a repeal bill, especially if its introduction had the effect of preventing legislation of a controlling nature in this state.

In our opinion, a repeal bill will not be considered seriously by the Legislature of Idaho, but it may, however, be used to prejudice legislators in this state from doing their duty to the people who elected them.

TAXATION.

Taxation is a most hopeless problem. Every class of property owners has a protest regarding the rate of taxation in the particular class in which he happens to be interested as compared with other classes. Then, too, the individual members of each class feel that they are being unjustly burdened as compared with their neighbors in the same class. Everybody seems dissatisfied.

The farmer thinks he pays more in proportion than the city man; the public service corporation more than the private corporation (especially the private intrastate corporation). Owners of improved real estate assert that it is wrong to tax them as much as the fellow who fails to put his property to use. Even counties claim that they are paying relatively more of the burdens of

the State expenses than other counties—and thus it goes.

Many methods and theories are advanced. Some say, "tax only real estate;" others say, "tax only unimproved realty;" others still advocate taxing the unearned increment and want vacant property taxed higher than improved property, or a less rate for improvements than for the land itself. Some think the best method is to tax only incomes. Some speak for entirely exempting personalty or certain classes of personal property. Some want a modified form of income tax, i. e., the taxing only of revenue producing property.

Certain facts stand out. If the county assessors of one county assess at one-fourth and the assessors of another county at one-third the true value, then, since the state rate is levied on the several county assessments as returned, and not on the true value, the first county contributes less than the second. For example: The 1913 report of the Commissioners of Revenue and Taxation for Utah discovered, from investigations, that the approximate ratio of assessed valuation to actual valuation in the case of town and city lots in Cache county is 21 per cent. In Wayne county it is 55 per cent. In Salt Lake county it is 37 per cent. Therefore the people of Wayne county pay over twice as much on its property to the state than the people of Cache county and half again as much as the people of Salt Lake county—the state rate over all being 4.5 mills on the various assessments.

Mr. C. S. Patterson in this issue speaks of the discrimination in favor of mining property. His views are undoubtedly sound. We evidently need a constitutional amendment like that proposed by Mr. Patterson or fashioned after it. Mr. Evans in this issue says that the property of public service corporations is bearing its fair share or more of the expenses of government. Mr. Patterson is not so well satisfied on this point. The following comparison will bear out, in a measure, Mr. Patterson's contention. The office furniture of the writer might sell on the market at $175.00, at least not over $200.00. It was assessed in 1914 at $150.00. The Utah Light & Railway Company was assessed in 1914 at $3,267,580. It was reputed to have sold in that year for $20,000,000.00. This newspaper figure is probably incorrect. We hear that the real selling price was $17,000,000.00. The disparity between the ratio of assessed valuation to actual valuation in the case of the furniture as compared with the property of this large public service corporation is apparent.

In the next issue of The Utah Survey, we hope to publish several articles pertaining to the theories of taxation which we believe will throw further light on this vexed problem.

A UTAH MINIMUM WAGE COMMISSION.

Prof. C. W. Snow.

MINIMUM WAGE SCALE FOR FEMALES.

An Act to establish a minimum wage for female workers, providing a penalty for violation of the provisions of this Act, and providing for its enforcement.

Be it enacted by the Legislature of the State of Utah:

Section 1. Unlawful to pay less than scale. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman (female) less than the wage in this section specified, to-wit:

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices, not less than 90 cents per day, provided, that the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

Sec. 2. Certificate of Apprenticeship. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Sec. 3. Penalty. Any regular employer of female workers who shall pay to any woman (female) less than the wage specified in Section 1 of this act shall be guilty of a misdemeanor.

Sec. 4. Commission of Immigration, Labor and Statistics to Enforce Act. The Commissioner of Immigration, Labor and Statistics shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, state and county prosecuting officers in the same manner as in other cases of misdemeanor.

The above is an exact transcript of the law which went into effect two years ago. Many of our citizens are unaware that such a law exists. The fact that it has been little thought about or acted on is perhaps a blessing to Utah. Ten states in this country now have minimum wage laws for women. Of these ten Utah is the only state which fixes a flat legislative wage. Herein lies a defect in the law which ought to be remedied at this session of the Legislature. Such a blanket wage permits of no flexibility to meet changing economic conditions, conditions of difference in occupation and changes in the cost of living. A minimum wage ought reasonably to be based on a living wage, and a living wage differs at different years and in different parts of the state. Instead of this inflexible rate of wages for women our lawmakers should establish a Minimum Wage Commission and this commission, together with

the Commissioner of Labor and Statistics, should decide on the wage scale in the different occupations. Objections might be raised to this plan on the ground of multiplicity of commissions. There is no reason why the Commissioner of Labor and Statistics should not be a member of the board and all his present functions assumed by the commission. Or two additional men might assist the Commissioner of Labor, and then all the changing and regulating of wages could be accomplished by one expanded Bureau of Labor. A commission of this sort is a part of the machinery of the Minimum Wage Law of Massachusetts and Oregon. In these two states labor conditions have been improved. In Massachusetts publicity has accomplished the results and in Oregon the results have been obtained by the Minimum Wage Board's decree.

Minor improvements in the law could be accomplished by doing away with the distinction between the 75-cent rate for girls under eighteen and the 90-cent rate for girls over eighteen. A girl of seventeen may be just as useful to a firm as a girl of nineteen and should, in that case, receive as much. With a commission this crude distinction could be easily withdrawn.

Many people object to Minimum Wage Laws as a matter of principle, and there is little doubt but that their case is stronger than the case of those who uphold the need of such legislation. But these fundamental objections are not our immediate concern. Our immediate concern is the Utah law. It is an unchangeable mandate, which makes invalid distinctions between girls over eighteen and girls under eighteen, which may, on account of discharge, work infinite hardship on a girl arriving at the age of eighteen, and which permits of evasions. It should be rid of this blanket rate crudity and made flexible at this session of the Legislature.

CORRUPT PRACTICES.

Hon. G H. Dern.

Corrupt practices acts are designed to protect the purity of the ballot. There is no state in the Union that has not some laws on its statute books to prohibit and punish certain election offenses, but not all of them have complete acts on the subject. Utah, for example, has laws on illegal registration and voting, intimidating voters, bribery, using liquor at polling places, betting, electioneering at the polls and some other obvious offenses, but she has done very little in the direction of state regulation and control of political campaigns. It is in the manner in which political parties and candidates conduct their campaigns that the most insidious dangers lie. Such gross offenses as bribery, intimidation and treating have been prohibited in England for

centuries, hence Utah is hardly able to claim that she is on advanced ground on account of having these provisions.

Corrupt practices legislation in this country has largely been patterned after the English law. In 1883 England adopted a complete law on the subject, which was amended in 1895, and this has been the model for most of the advanced American statutes.

Corrupt practices generally include the sort of offenses already mentioned, but the trend of legislation at the present time is to prevent the corrupt use of money in elections, because it is recognized that money is the root of all evil in politics. The two principal channels through which the use of money in elections is controlled is by limiting the amount that may be expended and by providing for publicity of contributions and expenditures.

It is now becoming the rule to prescribe by law what are legal expenses for political purposes. These usually include hotel and traveling expenses of candidates, speakers, musicians and members of committees, maintenance of headquarters, hall rent, stationery, postage, clerical assistance, printing, advertising, etc. These legal expenses are intended to include everything necessary for a clean campaign; and since our American political campaigns are very valuable educational factors, it is not desirable to decrease legitimate political activity. In fact, a successful democracy must at all times provide for ample public discussion of public issues.

After stipulating what shall be considered legal expenses the law should state how much money may be spent. Not many states have gone so far as to say how much may be spent by a political party in a campaign, although in Minnesota the state central committee of a political party may not spend more than $10,000. This absolute method of preventing "slush funds" will probably grow in favor. Up to the present time, however, the limitation is generally put on the candidates. A growing custom is to prohibit a candidate from spending more than a certain percentage of one year's salary of the office he is running for. In more of the states, however, a maximum sum is fixed by law. In Ohio a candidate for governor may expend $5000 and in Minnesota, $7000. In Massachusetts a candidate may expend $25.00 per thousand registered votes. The chief reason for limiting the expenditures of a candidate is to keep rich and poor aspirants for office on an equality. The reason for limiting the total amount spent in an election is to prevent raising large funds, which always lead to corruption in some form.

The next thing to specify is by whom the money may be spent. The prevailing idea is to let it be spent

either by the candidate himself or through a committee, or both. The ideal way is to limit the amount that may be spent by a candidate, and then absolutely prohibit the expenditure by any other person in his interest. If all the money spent in behalf of a candidate were handled by one person it would not make much difference who contributed the money, provided, of course, a maximum amount were specified.

All candidates and political committees would be obliged to file sworn detailed statements of their receipts and expenditures. This publicity, rigidly enforced, is the most effective way of preventing the improper use of money in elections. A candidate who does not file a statement of his primary expenses can not have his name on the ballot. One who does not file a statement of his election expenses cannot be inducted into office.

Corporations, particularly public utility corporations, should be prohibited from contributing to campaigns funds, for obvious reasons. Railroads and tractions companies have caused more corruption in American politics than any other agency.

It is customary to have the law regulate the part that newspapers take in politics. A statement of the ownership of a newspaper should be filed. Paid political matter in newspapers should be properly labeled, so the voters and readers may know whose opinions they are getting.

Oregon inaugurated the plan of having the state issue an election pamphlet, containing a writeup of each candidate, the party platforms, etc. A copy of this pamphlet is mailed to each voter. Candidates using space in the pamphlet are required to pay for it, but this plan is a considerable item of expense to the state. The aim is to put all candidates on an equal footing, and the idea has a good deal of merit, as is evidenced by the fact that it has been adopted by several other states, including Wisconsin, Montana and Wyoming.

A good many other interesting provisions are found in the laws of some of the states, not the least of which is prohibiting the conveyance of voters to and from the polls and registration places. When this is stopped the expense of elections will be greatly reduced and the party with a lot of money will not have such a big advantage. One or two states have also made it unlawful to make canvasses, which is another heavy item of expense in political campaigns.

A corrupt practices act will not immediately bring about the millennium in politics. That will only come when the morality of the political public has reached the proper state. But a law of this kind will prevent many real evils, and will help to educate the voters to

the kind of morality that is needed for honest, clean politics.

TAXATION OF CORPORATIONS.

J. B. Evans.

It is a large undertaking to discuss briefly the taxation of corporations, for this is usually understood to refer to Public Service Corporations.

Whatever may have been the conditions and the theories under which this class of corporations was assessed and taxed in the past—since the Interstate Commerce Commission has been with us, its requirements, in the way of reports from such corporations, make public every detail of their business, of holdings, investment—of earnings and expenses, so that no longer is there an air of mystery surrounding the conduct of the business of transportation.

Furthermore, the question of actual physical valuation is in the way of being determined and thus no element that goes to make or determine their values will be lacking. One might well infer that, due to the accessibility of such detailed information, a definite, clear-cut, national theory of valuation and its distribution, capable of universal application, might readily be evolved.

Endeavors are being made along this line and may in time develop a formula which, applied in all states and to all property of this kind, will prove by its results to be fair and equitable. No formula, however, that will not produce those results to all properties is entitled to consideration or application to any of them.

At the present time there are in these 48 states of the Union 48 methods of imposing the burden of government upon corporations of this class, possibly some alike in principle, but varying in application. No theory, no method has had the merit to be adopted in all its detail by any two states.

Together with all this diversity of principle and method in arriving at the valuation of public utilities and to the distribution thereof, one who investigates with intelligence and care, taking into consideration factors such as ratios of real value to assessed value of other property in given territory, physical condition, financial operations, etc. and etc., must of necessity conclude that such property is bearing its fair share—or more, rather than less—of the burdens of government.

There may be isolated instances where this result has not been attained, but the exception will prove rather than discredit the rule.

Why this is true may be largely attributed to the constant, persistent, honest endeavor on the part of

those intrusted with the duty of placing values upon the properties, with careful regard for the varying laws —modified by existing conditions in the respective commonwealths—to ascertain what that relative value may be.

With this premise, there can be little added of value, in so brief a paper, as to public utilities.

Then what of the taxation of other corporations? The affairs of our banks, trust companies and insurance companies are made public to an almost equal degree by the submission and publication of reports required by law, and therefore need little, beyond an average business man's ability, to ascertain their values and apply the ratios dominant in the state.

The Sixty-third Congress created a "Trade Commission," which is empowered to secure reports from those corporations engaged in interstate trade, for the purpose of investigation and protection of the public against improper and unlawful dealing, so that, when once in operation with the field of its duties clearly defined by interpretation of the courts, there is left—without publicity—only such corporations as those whose business is confined to the state under whose laws they have incorporated.

If, as seems to be true, this publicity of what was formerly designated "private business" works both for the best interests of the general public as well as for that of the corporations, why does not consistent reasoning suggest the same publicity as beneficial for all corporate existence?

Is it right that a state should give life and being to an entity which has the power, if beneficent, to do great and good things, yet which may be used to despoil and destroy? It is true there is in every state voluminous law for the control of miscellaneous corporations, yet no man familiar with corporate life and the divergent ways in which such law is interpreted by the courts but knows that in many cases they are the mechanism used for the ruthless appropriation of the property of those who can ill afford to lose it.

May a people be deemed entirely sane who by their elected representatives have made possible corporate life, yet do not hold it of equal importance to protect itself against that creation by requiring annual reports to be filed showing its business and condition, enabling the public to ascertain if it be a beneficent agency, benefitting society or an evil force, organized for purposes obnoxious to the welfare of society?

The reader may think my topic lost in this divergent argument—not at all, for it follows logically that if all miscellaneous corporations were required to file

annual sworn statements of each year's transactions and conditions with the Secretary of State and Auditor of County in which its business is transacted, it would be comparatively easy, through access thereto, to assess their property with reasonable accuracy and dispatch.

What valid objection can be urged to such requirement if the large corporations find it an advantage. Will the lesser institutions, if conducting an honest business for the benefit of their stockholders, suffer in any great degree? Will it not have a deterrant effect upon the prolific creation of "Wild Cat" companies, and justify all honestly-conducted corporations? And, finally, will it not result in a more equitable assessment of property throughout the land, so large a proportion of which is held by corporations of one kind or another?

THE PUBLIC REVENUE SYSTEM OF UTAH.

C. S. Patterson.

It is a matter for general congratulation that the people of the state are awakening to a realization of the inequalities and deficiencies of their public revenue system. The large delegation from this state attending the last annual meeting of the National Tax Association; the largely attended, earnest and enthusiastic tax conference recently held in Salt Lake City, and the various town and county meetings now being held throughout the state to discuss methods of taxation, are evidence of the intelligent interest now being taken in the subject.

It is a matter of history that reforms in methods of taxation come slowly. The people of Utah are by nature conservative and fear that any change in tax laws will but add to their already grievous burdens. The tax reformer is looked upon by the unthinking or uninformed as one whose sole ambition is to fill to overflowing the coffers of the state without thought or care as to where or from whom the money is obtained.

However, I believe that the conditions in this state are now ripe for genuine tax reform; that the time for discussing the necessity has passed, and that the time for discussing methods has arrived. I am very firmly of the opinion that a just and equitable system of tax laws is impossible in this state without amending the state constitution, and the purpose of this paper will be to give the reasons for this opinion.

A provision of Section 3, Article 13 of the constitution is as follows:

"The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property, so

that every person and corporation shall pay a tax in proportion of the value of his, her or its property."

This provision, on its face, appears to be eminently fair, just and equitable. It is a survival of constitutional provisions adopted by many of the states in the early history of this country, when conditions were more simple than they are today. In the early days taxable property consisted of lands and tangible personal property, stocks of merchandise, livestock, household goods and the like, property that was readily found by the assessor, and the large and ever-increasing class of property denominated "intangible personal property," consisting of stocks, bonds, mortgages, notes, credits and the like, was then practically unknown.

The ideal system of taxation is one under which each member of society is required to contribute to the expense of government in proportion to his ability to pay.

No such result can be reached or even approached under the provision of the constitution just quoted. For example, the watch of the workingman, which produces no revenue, but, on the contrary, requires the expenditure of a dollar or two each year to keep in running order; the proceeds of life insurance left to the widow and deposited in a savings bank, drawing interest at the rate of 4 per cent per annum; and the apartment house of the capitalist producing, in some instances, a revenue each year equal to 25 per cent of the capital invested. Must each be taxed at the same rate, and the legislature is powerless to decree otherwise. It is evident, therefore, that the provision of the constitution which was inserted in a praiseworthy attempt to secure equality in taxation and which in a less complex business life was eminently fitted for such purpose, has outlived its usefulness and now actually prevents what it was designed to enforce.

The constitution should permit the legislature to classify the property of the state and to impose a higher or lower rate on each of the several classes, in order that such inequalities may be more nearly equalized.

Another result of the lack of power on the part of the legislature to make classifications is the almost complete loss of revenue from intangible personal property. The amount of such property, even in a new state like Utah, is enormous. No statistics are available to prove just what proportion of the property of the state is so constituted, but the general property of the state is assessed at a little over two hundred millions of dollars, and I believe it is conservative to assume that the value of the intangible personal property of the state is at least one-half of that amount. The taxes that this class of property should pay, and does not pay, is being paid

by the taxpayers whose property is, unfortunately, not capable of being concealed from the assessor and who, as a rule, are much less able to bear the burdens of government than are the tax dodgers.

The responsibility for this condition does not rest with the officials charged with the duty of levying and collecting taxes. Neither is the condition peculiar to this state. Every state that has attempted to collect taxes from this class of property at the same rate as from the general property of the state has signally failed. At the same time, the holders of such property are not entirely without excuse for their failure to declare it for taxation. In the case of money in savings banks, for example, the rate of taxation is about equal to the rate of interest, so that the state would absorb practically the whole income. The investment would be fortunate indeed, if, while being secure, would draw interest at a rate that would permit of an equal division between the taxpayer and the state. The bald statement of the situation is sufficient to demonstrate the hopelessness of the attempt to collect taxes from this class of property at an equal rate with the general property of the state.

Three methods have been adopted by different states for the correction of this condition and the collection of a revenue from this class of property.

The first is classification and the taxation of such property at a low rate. The second, adopted in New York, is a registration tax, where the securities are registered and pay a small tax, once for all. The third is the income tax.

The first method probably promises more for Utah that either of the others. It has been tried now for several years in a number of states and found to produce a large and constantly increasing revenue. Since the rate is low—five mills or less—experience has shown that this tax is paid cheerfully; and, moreover, in the case of borrowed money, that the lender does not shift the burden to the borrower, as was the case in this state before the adoption of the constitutional amendment exempting mortgages from taxation.

Another constitutional provision (Section 4, Art. 13), after providing for the assessment of mining ground at the price paid the United States therefor ($2.50 to $5.00 per acre), and for the assessment of the machinery and surface improvements at the rate on other property, provides that "the net annual proceeds of all mines and mining claims shall be taxed as provided by law," thus limiting the value of the producing mine, for taxation purposes, to the amount of the net proceeds for a single year.

I am in sympathy with the ideas of the framers of

the constitution, who recognized mining as a hazardous business, and were willing to foster, in every proper way, the principal industry of the new state; and, therefore, I do not complain that hundreds of thousands of dollars in underground improvements remain unassessed and untaxed while the property is a prospect and before it becomes a mine. I am not in sympathy, however, with the constitutional provision which taxes a paying mine at a tithe of what other property is required to pay, or that allows it any advantage whatever over the general property of the state. To illustrate how the average taxpayer not only pays his own proportion of the taxes, but also pays a large proportion that should be borne by producing mines, take the case of the home of the average mechanic or man in moderate circumstances in Salt Lake City. The home has a rental value of twenty dollars per month. Special taxes, insurance and repairs diminish this somewhat, but that may be ignored. The annual tax on this property is about forty dollars, or two months' income, or one-sixth of the annual income, sixteen and two-thirds per cent. Compare this home with the producing mine. The amount of the net proceeds is immaterial, since the proportion is the same, but suppose we fix it at ten thousand dollars per month, or one hundred and twenty thousand dollars per year. The tax at forty mills (which is as high as any mine in the state is assessed, and higher than most, the average rate being nearer thirty mills) would amount to forty-eight hundred dollars, or less than two weeks' income. The owner of the small home, therefore, pays taxes at more than four times the rate paid by the great mines of the state. This condition is intolerable, but our constitution must be amended before it can be changed.

I recently had occasion to examine the laws of all the states where the mining industry is followed with reference to the taxation of mines. The limits of this paper will not permit the tabulation of those laws, but it is sufficient to state that in no state in the Union do mines contribute so small a proportion of their earnings to the support of government as in Utah.

There are other hampering constitutional provisions, but none which compare in their evil effects with those noticed. The condition is certainly of sufficient gravity to warrant the best efforts of every citizen having at heart the good of the people of the state to effect a proper amendment to our state constitution.

If the constitution of the state is to be amended, what amendment is necessary?

Just prior to the admission of Arizona and New Mexico the National Tax Association, by request, pre-

sented the following, as all that was necessary or desirable in a state constitution on the subject of taxation:

"The power of taxation shall never be surrendered, suspended or contracted away. All taxes shall be uniform upon the same classes of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only."

The National Tax Association was organized about eight years ago and, as its title implies, is national in its scope, international, in fact, since a number of delegates from Canada usually attend its annual meetings. It is composed of men many of whom have given the best years of their lives to the study of economics. It includes in its membership practically every man in the country who is entitled to recognition as a tax expert. When a body of men such as this unanimously adopt a provision like that quoted as the best possible constitutional provision on the subject of taxation, and all that is necessary, I am willing to accept their judgment, and am in favor of expunging entirely Article 13 from our state constitution and the adoption of the suggested section in its place.

There has been advanced quite insistently lately the idea that the enforcement of the statutory requirement for assessment of property at its full value is desirable under present conditions and that such assessment would remedy many of the evils growing out of unequal assessments.

It may be conceded that under proper conditions assessment at full value is greatly to be desired. The arguments in its favor are many. Under our present constitution, however, the enforcement of that law will aggravate rather than ameliorate the present inequitable situation. It is conceded that assessment at full value is an experiment not safely to be undertaken without first enacting laws providing for limitation of levies, in order that the several boards charged by law with the duty of levying taxes may not, by relatively high levies, impose too heavy a burden on the taxpayer, at least during the early years of the experiment. That this danger is real and not imaginary has been demonstrated by the experience of Idaho and other states.

Roughly speaking, the property of the state is assessed at about one-third of its fair cash value. If assessed at full value the levies, in order to raise the same revenue, should be divided by three. The mines of the state are already assessed as high as they can be under the constitution; therefore, in the illustration above, where the home was compared with the mine, the home would be assessed at three times the former amount, but as the levy would be only one-third the amount of

the former levies the amount of tax paid by the home would remain the same. In the case of the mine, however, there being no possibility under the constitution of raising its assessment, and the amount of the levies being divided by three, and there being no power under the constitution of collecting from the mine at a higher rate, the mine would pay, instead of forty-eight hundred dollars as at present, but sixteen hundred dollars, or one and one-third per cent of its annual income, as against the sixteen and two-thirds per cent paid by the owner of the home. This consideration alone, it appears to me, is a sufficient answer to those who insist on assessment at full value while we are working under our present constitution.

Much dissatisfaction is being expressed by the people of the state in relation to the amount of taxes paid by the public service corporations. I am convinced that on an income basis these corporations are not nearly so heavily taxed as the average citizen is. If there is any good reason why these corporations should not contribute to the expense of government on an equal footing with other citizens, it has not yet been brought to my attention. If such discrepancy exists it is due to administrative delinquency, and not to any fault of the laws or constitution.

It must not be inferred from what has been said that no improvement whatever can be had in our revenue laws under our present constitution. Many changes for the better can be made, and the many admirable features already incorporated therein can be materially increased. Nevertheless, true tax reform under our constitution is impossible.

PROHIBITION.

James H. Wolfe.

Like many others, the writer came to prohibition gradually. All the gains to humanity from the use of liquors seemed negligible compared to the vice, the crime, the disease and the poverty resulting therefrom. This article attempts to collect most of the stock arguments and answer them as judicially as one may who has strong convictions on the subject.

Statistics pertaining to the commercial or industrial loss due to prohibition are hard to compile as they are speculative. The gain on the part of legitimate trade, both in the acquisition of wealth and labor now expended for liquor would be considerable. The social saving in wrecked lives and misery would be incalculable, even admitted that the foul consequences of liquor consumption could only be partly prevented.

There are three real reasons why people are opposed to prohibition. (1) Because we have had the traffic

with us so long that it has become a part of the accepted order of things. The mind is naturally conservative and rebels against changes, without always stopping to reason on the merits of the proposed change. (2) Because they like to drink. (3) Because they are financially interested in having other people drink.

Although these three reasons constitute, in the main, the real causes for opposing prohibition, the given arguments are categorically as follows:

(1) Prohibition does not prohibit, and therefore
(2) Leads to a general disrespect for laws.
(3) Deprivation of personal liberty.
(4) Fails to reach the root, the desire to drink.
(5) Is the best outlet for the deviltry in man.
(6) Is a taking of property without due compensation.
(7) Hurts business.
(8) Liquor has food and medicinal values in certain cases.
(9) Destroys the "Poor Man's Club."
(10) That lasting benefits to humanity have been done under the influence of liquor.
(11) Man only reveals his real self while under the influence of liquor.

Every one of these arguments is, in a measure, true. The question is one of a balance of benefits, the balance, preponderating greatly in favor of prohibition. Let us consider the above arguments seriatum:

(1) **Prohibition does not prohibit.** Mere statutes on the books will not prohibit. All the amount of law enforcement will not totally prohibit, just as the most assiduous vigilance now fails to prevent crime. But determination in enforcing the law will virtually prohibit. In Tennessee a governor called a special session of the legislature to pass a law to enforce a law, the law to be enforced being prohibition. The result showed what the determination of an executive might accomplish. In spite of every effort, isolated cases of intoxication will be found. We once knew a confirmed inebriate who was refused drink by every saloon in the town where he lived. He gathered cigar butts from the street, soaked them in hot water and drank the solution. But great numbers of people will be saved from the grip of alcohol by enforced prohibition. Going from South Temple to Fourth South street, along Main street in Salt Lake City, one passes numerous saloons. Their very being attracts and suggests. Nine-tenths, at least, of the patrons of these legalized saloons would not think of resorting to "blind tigers," even if aware of their location. Saving a great percentage of drunkards would justify prohibition, provided the resulting law-breaking did not

(2) **Breed a general disrespect for law.** To answer this argument throw out your imagination to cover the conditions existing under prohibition. How many people in an average law-abiding community would be influenced to break laws because they saw others breaking a liquor law. We fail to obey the ordinance to clean our sidewalks of ice and snow. Does our contempt for this ordinance which we disobey lead us to general law-breaking? It is not wholesome to have enforced statutes on the books outside of the old background of blue laws, which every commonwealth finds potentially valuable. But unenforced laws have little effect in leading to a general disregard of law. Let those who are so affected try breaking laws. Their faith in the efficacy and usefulness of laws may then be strengthened.

(3) **Prohibition is a deprivation of personal liberty!** In the first place, there is no such thing even as an inalienable right, despite the Declaration of Independence and the preamble of the Constitution of Utah. All men hold all their rights under an organized society and subject to the will of that society. The so-called inalienable rights might be the last to be taken away and are more securely fixed because all members of society cherish them. But let a great war come and see how the right to life, liberty and happiness may suffer. Liquor drinking is not even one of the so-called inalienable rights. In a social age the individual submerges his personal desires whenever the whole is to profit. In the case of liquor he is asked to forego a pleasure, not a necessity. (The food argument will be later considered.) When thousands yearly are broken and ruined by liquor and thousands more dependent upon them reduced to misery it seems selfish to speak of personal liberty expressed in the form of the privilege to drink. Those who will not look upon the matter unselfishly must be made to relinquish their so-called rights. So it is said that man will be less amiable in the absence of liquor. Perhaps! But man drinks liquor because he is sociable and is not sociable because he drinks liquor. Liquor does serve to expunge from the mind, for a brief time, the shadows and cares of life, but, on the other hand, makes men less fit to meet their difficulties. The question as to whether the cumulative relaxation and sociability yielded by alcoholic beverages will, in its psychological entirety, prove a greater loss to humanity than the gain by prohibition is too speculative to be adequately answered. We do know, however, that much misery is traceable to liquor. Let us try for a while the misery due to the want of it. Those men who cry "denial of personal liberty" forget that they are like-

wise denied the liberty of stimulating themselves with morphine or cocaine and that on every side society has in manifold ways curtailed personal liberty for what society has opined to be for the good of all.

(4) Our fourth argument is the very wise and comfortable doctrine that we should not remove the things which needlessly tempt men and menace their souls and bodies. **We should educate men to choose between good and bad and school their will to resist temptation.** The proponents of this argument fail to see that the desire for liquor is due to liquor. He who never tasted liquor would have little desire to drink except to gratify curiosity. Perhaps it would be better to say, remove the drink which produces the desire than to remove the desire which makes men drink. But if character can only be lastingly attained by resistance to temptation there need be little fear but that we will always have sufficient temptation to serve to steel the will to resist it. In the millennium, when all men choose wisely and will to act rightly, we will have no more problems to solve, but during the interim it will require to so perfect men, (if ever) must we endure the results of liquor? Those things about which man is ignorant or perverted he is as a child. We remove the things of danger from a child pending wisdom and understanding. Let us likewise remove danger spots from before the men-children, pending the higher wisdom of the race. In one sense the act of liquor drinking is in the category of crime or worse. Mandates against stealing, killing and adultery grew out of considerations of group good and race efficacy. Later they were given a religious sanction and incorporated in the theologies. The offense in these cases was apparent because the injury and retaliation were direct and apparent. If I injured you or stole from you I directly harmed you. If I speculate in wheat and send up the price of bread to countless poor or if I throw into myself grog and ineffectuate my capacities for supporting those dependent on me or for serving society, I likewise even more seriously injure others. The difference in the last case is that the injury to others is not as direct, although more widely consequential. The act is not criminal (legally designated as a crime), but more anti-social. The same consideration of group good will sometime place these acts in the category of those crimes in which the chain of cause and effect is patent. Distributing indiscriminately in the community, for gain, substances which rob men of their efficiency and lead to crime and poverty will be held a greater wrong to society than one man stealing the goods of another. It is merely a matter of education.

(5) **The argument that liquor dissipation is a safety valve for the deviltry in man need not engage**

us long. The only way to prove that man's perniciousness will find worse channels is to close the one presented by the opportunity to imbibe liquor and see whether the results justify the argument.

The argument assumes the "original sin." It assumes that man has a certain amount of depravity in him which needs an outlet. The argument is blind to the fact that liquor drinking is not so often due to the effect of evil impulses, but is the cause of them.

(6) Opponents of prohibition and some of its friends **hold that prohibition is confiscation.** From a legal standpoint this question has been indubitably settled. Time and time again the courts have held prohibition to be constitutional. The theory is that every man conducts his business subject to society's right to abolish it if society determines that it is inimicable to its welfare. In a democracy the majority's opinion is society's opinion. The power of abolishment and regulation is known in constitutional law as the "police power." It may be exercised in the furtherance of the health, morals and welfare of the people. Nevertheless, the confiscationists hold that it is morally wrong, after encouraging a business, to abolish it without due compensation. This proves too much. The fact is that the liquor traffic for many years has not been encouraged, but endured. It has been more or less of an outlaw business, which society has in various ways tried to regulate. Its existence has not been legitimate, but legalized only. It exists by virtue of compromise, an unwelcome guest amid necessary trades and industries. It has sought favors and bought favors; it has fought manfully or unmanfully to preserve its status in the business world. We have been too timid or weak or corrupt to resist its encroachments. Its abolition is simply the ending of the period of grace, simply a stiffening by society of its moral backbone to a point where it will say "nay." Those who hold that the slaveholders should have been compensated for the loss of their slaves may consistently hold that the liquor interests should also be paid. It is only fair, however, in abolishing the manufacture and traffic in liquor to give the owners of property used in the industry sufficient time to "put their house in order."

(7) **Does the abolition of the liquor traffic in a community hurt business in that community?** It surely hurts the liquor business. It turns the flow of money to the legitimate trades. The wealth of a community is not lessened by the abolition of a commodity whose consumption is mostly a detriment. A community is not poor or wealthy because of the amount of money present in that community. (An old and mistaken fallacy due to the crudest curbstone economics.) The

amount of money may be an indication of the wealth of a community. The community is wealthy according to the amount of economic satisfactions which it possesses, regardless of whether these are exchanged in kind or through the medium of money. That portion of the wealth, therefore, of the community which is now exchanged for liquor will be exchanged, in part at least, for substantial commodities. A certain class, the sporting element, might eschew dry territory. Their loss will be made up by the permanent residence of substantial citizens whose interest is to bring up their children in a community as free as possible from excess and temptation.

Prohibition would throw out of work many men whose positions depend on the liquor traffic. It would make vacant property now rented. The period of adjustment would entail some hardship, but with sufficient warning the transition would be made without severe shock to the commercial world. The rental values in Salt Lake City are now high. Throwing these empty premises into competition would relieve this situation. The released employees would gradually find work in more reputable trades. In Rockford, Illinois, the almost unanimous sentiment among the business men is for a continued dry town. Most of them scoffed at the suggestion that it had "hurt the town." One dry goods merchant after another reported that it had helped his trade.

(8) **Have alcoholic beverages medicinal or food value?** Medical opinion differs on this question. In a small minority of cases the contention may hold. If we assume that alcohol for food and medicinal purposes would be prohibited by the anti-liquor law the doctrine of the greatest good to the greatest number would still demand abolition. However, prohibition laws may be so drawn as to provide for the sale of alcohol for art, medicinal and mechanical purposes. This would have to be under the strictest regulation.

(9) **The passing of the saloon will in many cases work a hardship on those who resort to it for shelter and companionship.** We may expect it to result in the upbuilding of a better home spirit. On the other hand, it will throw increased emphasis on the problem of providing for the recreational and social life among the poor. The school social center movement will gain impetus and our energies will be directed toward the construction of other facilities, the need of which is now overlooked.

The serious problem is not the taking care of the workman who uses the saloon as his club, but the "floater" and industrial tramp, the ne'er do well, and the unemployable, many of whom are graduated into

the criminal class. In any case they are society's problem. The abolition of the saloon may facilitate the regeneration of some of these men and largely prevent recruiting to their ranks. At all events the argument that the abolition of the saloon will deprive these men of their means of companionship and social intercourse seems hopelessly weak when the sort of atmosphere in which this companionship is generated is considered.

(10) **History records isolated cases where work of a truly great and lasting nature seems to have been done under the stimulus of alcohol.** Perhaps it is psychologically true that in the rare case the state of mental inhibition which exists under normal conditions is just so happily loosed under the alcoholic stimulus as to make drink at least partly responsible for increased productiveness and fertility of imagination. We cannot say what these men might not have done had they never heard of liquor. Ofttimes men simply think they work better under a stimulus and the obsession becomes such as to prevent their working without it.

Nevertheless, granted the fact, the case of the genius is so rare that humanity can afford to lose him in the gain effected by the increased efficiency in countless average persons.

(11) **The unique argument has been advanced that man is only natural when the restraint which he cultivates disappears.** Most men guard themselves with an armor of reserve, many by an atmosphere of pretense and affectation. Sometimes the true man is uncovered in certain stages of liquor drinking—the sentinels of conduct sleep at their post when the fumes of alcohol pervade the brain. It is highly valuable, perhaps, to know man when he is really himself—although at times disillusioning and disappointing. Here again, if the argument is tenable, the gain is outweighed by deeper considerations. It is perhaps better that men keep themselves under control. It is often the one thing which keeps asunder the brute and beast. The advantage of seeing men as they really are in many cases is not compensatory.

The above concludes a superficial consideration of the stock arguments. A few words on local option and the benefits of prohibition will conclude our article. The whole problem of prohibition is one of extending the area and the time. If we could have nation-wide prohibition continually for three generations, so that the third generation would enter the world under the new conditions and to whom stories of drunkenness would be as much of a tradition as the tales of slavery now are to the younger of us, it would seem to them most remarkable that society ever endured the liquor industry as long as it had. The whole propaganda of sane pro-

hibitionists is to increase the effective dry area. Local option was simply the opening wedge. It is almost impossible to prohibit locally. Bingham and Murray are fruitful examples. With a great reservoir of liquor legitimately on hand next door, enforcement becomes most difficult. There is nothing magical about the boundaries of a governmental unit. If local option is sound, then, except for considerations of convenience, each block in a city, each house, each person should have equally the right to express an option. If it is theoretically sound that it should be left to a group to say whether or not they want the liquor traffic, there is then no group short of the entire state that has the right to express its choice. The state on moral questions is an indivisible unit. The sins of excess in Salt Lake City are visited upon Provo and vice-versa, and, for that matter, those of Utah on Pennsylvania. For one group, separated from another only by arbitrary and imaginary lines, drawn for governmental convenience, to isolate itself in the decision of a moral question inevitably affecting the whole community, is futile and disastrous. If the crimes and the wrecks could be confined within the territory where they are made this argument would hold water. The point is that the effects of liquor drinking rather than liquor drinking is what society is seeking to avoid. Local option is the great refuge of the liquor interests because it is easier to control elections in smaller territories and there always exists the chance of saving a portion of the state to liquor. The decision is not one for sub-groups, but for the whole nation. Perhaps if the entire nation decided to endure practices which militate against its welfare it should have that right, but certainly no group short of the sovereign group should have the right to make such a decision. When all the arguments regarding liquor are threshed out pro and con there still remains, undisturbed, the bald fact, standing out conspicuously above all else, that there is a tremendously intimate connection between vice and crime and disease and poverty on the one hand and liquor on the other. Liquor is the handmaiden of vice and crime. The business of the brothel and bawdy house would grow comparatively lean were liquor abolished. The Chicago Court of Domestic Relations, in investigating the causes of family disruption, found that 46 per cent of all the cases were due at least directly (the remoter causes may have been otherwise) to liquor. There is not a single reform of note which is capable of real effectiveness as long as liquor drinking as we now have it persists. There are only two deeper causes of our ills—the system under which society is now organized and human nature itself. And the last is greatly made or unmade by liquor.

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THE DOLLAR VS. MEN.

We are not antagonistic to big business as such. We do not think that because business is big it is necessarily corrupt. We admire the efficiency, the energy, the ingenuity of men back of great capitalistic enterprises, but we do not always admire their motives or ideals. On Monday, February 1, big business, after it had properly fed the legislative stomach, attacked the prohibition bill now pending with all the vigor which it could bring to bear. On the Thursday following it took its chance with the poorer folk before the senate committee without the persuading influence of viand and wine. While it was bringing all the power of its influence to bear and shouting "dollar" arguments into the faces of the committee, below, in the streets and the brothels and the gutters and the dives, the thug, the thief, the tinhorn gambler, the prostitute, panderer and saloon men were saying "amen" to every word these men of influence and wealth were saying. Not a word was said about the loss in life and happiness which liquor brings to men; not a word against the intimate relationship between vice and crime and disease and poverty on the one hand and liquor on the other. The case of big business rested on crippled profits, high taxes and financial considerations. Several urged their "God-given" right to drink as sufficient to prevent attempts to remove this temptation from the souls and bodies of men. One man felt that his two little girls would always be secure because he would watch over them and excoriated the mothers and fathers who allowed their daughters to drink—but insisted that we could not dispense with liquor and gave long, appalling figures of what financial losses prohibition would produce. This man, smug in the realization of safety for his own children, argued that we must have the danger spots as a means of income and that it was the fault of the fathers and the mothers or the children themselves if they trespassed on these danger spots. This man did not even see—we give him credit for sincerity—that money is only

the measure of wealth and that when the labor and capital of men is not applied to vicious business it must necessarily be applied to helpful business. The first battle which must be fought in this matter of prohibition is one against inexcusable ignorance.

One man told us that we "dare not drive the tourist or the investor from the state of Utah," as if these 275,000 tourists whom we see contentedly riding around on the "rubber-neck" wagons come here for "booze." We were also told that prohibition makes whiskey drinkers out of beer drinkers. We wonder if Mr. John Dern, who naively told the committee that he enjoyed his glass of beer (and in this we quite agree with him), will ever be driven to whiskey drinking under prohibition. Those who now intoxicate themselves by beer will perhaps be able to do so more handily with whiskey, but to hold that the thousands of people who drink a social glass of beer or open the bottle in the home will become whiskey drinkers strikes us as hardly worth argument. When the Utah State Federation of Labor pressed this as a reason for their resolution to the legislative committee it was indeed sorely pressed for reasons.

Paul said that laws made men neither good nor bad, but reveal their real character. Those who **must have liquor at all cost,** those who choose to act in the dark and those who in their hearts are law-breakers, will resort to the dive and the "blind tiger." It will be well to know who they are. They will be as bad under a "wet" as under a "dry" regime, but there are thousands and thousands of marginal drinkers who will forget the saloon and direct their means to more substantial things. Herein will come the gain to the business man.

We were told the other night in eloquent terms that "prohibition does not prohibit." The men who said this do not see that they were directing the most powerful indictment possible against organized society. If society, after it determines that a thing is bad, comes to the conclusion that it cannot enforce its decree, then society is, to that extent, a failure. Can society ever afford to admit this? No decision could ever be more important in the minds of the individuals composing society. A decision that vice and crime or the harmful acts of individuals should be allowed on the ground that they are unpreventable, if held by enough members of society, means nothing more or less than the disintegration of organized society. One must dare to see these things straight. Such reasoning as we heard the other night, if acted upon, will be fatal. Fortunately the truth is otherwise. Prohibition does prohibit, not perfectly, but substantially. The figures and opinions

given by the ablest officials of Kansas and recited in William Allen White's article in the Saturday Evening Post of November 14th of last year would make Judge Colburn and his few telegrams from ex-minor officials look like manufactured evidence.

Anti-prohibitionists should know that they see only the cases which are not prevented by prohibition and not the cases which are. It is easy to cite, here and there, the case of a drunken man in a dry town, but very hard to say how many of those who are not affected by liquor would be so under a "wet" regime. And to the estimable gentleman who said that this "hysteria" in favor of prohibition had about spent itself we would say that sixteen states, one-third of the Union, are now white on the map, with two or three about to become so, and that only eight states are still totally wet.

Judge C. C. Goodwin goes back before the civil war in order to collect data against prohibition. He cites a number of states which he says tried prohibition and discarded it. It would be interesting to Judge Goodwin to investigate the sort of prohibition which those states had. If he thinks that sentiment and public opinion in regard to prohibition were the same from the years of 1855 to 1890 as today, we can easily see how he, too, may conclude that the "hysteria" has about spent itself. Judge Goodwin, however, had better take the authentic "wet" and "dry" map of the United States and revise his statements. We sincerely hope Judge Goodwin's really useful life will be prolonged well beyond the day when we will have nation-wide prohibition. The day is not far distant.

THE INITIATIVE AND REFERENDUM.

Several initiative and referendum bills are before the legislature. Under a system where the law-makers meet only once every two years, when they are under tremendous pressure from all sorts of outside influence to pass all kinds of bills, the argument for some machinery to enable laws to be enacted or the effect of bad laws of the legislature to be nullified between terms of that body is very strong. We are coming more and more to feel that if a small body of experienced and highly trained men combining in themselves the legislative and executive functions of the state were to sit continually, it would give greater satisfaction. Under the present system a bad law once on the statutes stays there at least for two years, and, because of the inertia of legislation once enacted, even longer perhaps. We print herewith a memorial addressed to the Legislature of Utah. It was signed by the Utah State Federation

of Labor, the Salt Lake Federation of Labor, the Building Trades Council of Salt Lake City, the Ogden Trades and Labor Assembly and the Allied Printing Trades Council of Salt Lake City. The Shields initiative and referendum bill is demanded by the larger part of our electorate. It was made part of the platform of two of the political parties. It should be made law.

Salt Lake City, Utah, January 11, 1915.

To the Honorable Members of the Utah State Legislature.

Ladies and Gentlemen:

MEMORIAL.

Whereas "all political power is inherent in the people"; and

Whereas all legislation should be an expression of the will of the people; and

Whereas every public official should be answerable for his public acts to the people; and

Whereas, under the Constitutions of the state and nation, the sovereignty of the people is expressly recognized and proclaimed;

We, the members of organized labor, respectfully memorialize the executive and legislative branches of the government of Utah to enact a law which will put into effect the principles of "initiative and referendum," by which the sovereign people may obtain for measures in which they are interested the full consideration to which they are entitled, independent of hired lobbyists and unaffected by committee pigeon holes.

We further memorialize the Governor and members of the State Legislature to adopt by appropriate legislation the principle of the "recall," by which the great employers of men, the taxpayers, may discharge an unfaithful or reckless servant or agent, without being obliged to wait for a criminal act, in order to protect themselves from indifference, wastefulness and incompetency.

We call attention to the fact that such laws would not be declared unconstitutional as many hastily considered bills are, because the State Constitution provides for the "initiative and referendum," and the makers of that instrument evidently contemplated that the Governor and Legislature of the State would have made it effective long ago.

Your memorialists will ever pray that these principles, guaranteed by the Constitution, may become and remain a part of our system of governent.

THE JUVENILE COURT.

Much legislation is being proposed. Much of it is needed to put us in line with the best legislative experience. We have given most of our pages to the

furtherance of this class of bills. Some of the civic bodies of the city have had discussed before them a bill providing for parental courts and parental schools. The impression has been given that the bill is approved by the juvenile court and that it represents an advanced stage of juvenile delinquency legislation. In support of the bill Illinois has been cited, we are informed, as one state in which this parental court idea is superseding the juvenile court. We would correct this impression in justice to the juvenile court work in this state, which has proven serviceable and satisfactory beyond most legislation, not as the bill was originally propounded, but as corrected by a succeeding legislature. The parental court bill is not approved by the juvenile court nor is it being sponsored by those most competent to speak on the real needs. We are informed by Judge Merritt W. Pinckney of the juvenile court in Cook county, Illinois, in a letter under date of January 26, 1915, that the work of the juvenile court in Chicago has not only proven successful, but has been given an enlarged appropriation, with the mothers' pension law placed under its jurisdiction.

The proposed parental court and school bill seems to us a needless and impracticable admixture of educational, legal and juvenile delinquency functions. In the face of the recognized principle that a poor home is better than a good institution for children, the bill is over confident of the good to be derived from supplanting blood ties with legal, official and impersonal relations. The logical step, already justified by experience, is to enlarge the juvenile court into a court of domestic relations. This is supplementing but not supplanting the work of the juvenile court. The present need of our juvenile delinquency work is a larger force of probation officers. This should be urged upon our legislature. When we wish additional legislation upon this subject we should benefit by the judgment and experience of the large groups of clear-headed, high-motived, experienced men and women, all over our land, who are giving themselves to this field of betterment.

THE NEED OF A STATE INSTITUTION FOR FEEBLE-MINDED IN UTAH.

George Snow Gibbs.

I. THE CASE OUTLINED IN BRIEF.

Why the Legislature Should Make Provision Without Delay.

1. Because Utah is already too many years behind nearly every other state in the Union in the making of adequate provision for its feeble-minded.

2. Because every month of delay only increases the size and the difficulty of the problem which must some time be met.

3. Because public opinion in Utah is now ripe for this proposed action.

4. Because men and women in the state best informed and most directly acquainted with this problem urgently recommend that the legislature no longer delay this important matter.

5. Because there are today in the neighborhood of one thousand feeble-minded persons in Utah.

6. Because 65 per cent of the cases of feeble-mindedness are hereditary, and the feeble-minded woman has on an average twice as many offspring as the normal-minded woman.

7. Because about 50 per cent of the chronic anti-social classes, drunkards, criminals, prostitutes, and paupers are so in consequence of feeble-mindedness.

8. Because 40 per cent of the boys and girls at the State Industrial School are feeble-minded, and have already too long been intimately associated with normal-minded delinquents.

9. Because the state now has compulsory school attendance laws for its children, but at the same time negligently permits hundreds of feeble-minded boys and girls to grow up without any educational training.

10. Because a large proportion of feeble-minded children, when neglected as they are in Utah, pass beyond the trainable period of plasticity, sometime between 16 and 20 years of age, and thereby become entirely unself-supporting, a useless burden for life, both to themselves and to society.

11. Because the general public is now virtually guilty of contributory delinquency by compelling infant-like children, boy-men, and girl-women to be subjected to the temptations and moral responsibilities of the normal-minded.

12. Because there are in Utah several hundred feeble-minded girls of child-bearing age from whom repeated illegitimate offspring, with its associated immoralities, is preventable only by care and training in an institution.

13. Because the world's experience of more than half a century in every civilized country and in nearly every state in the United States has demonstrated, apparently without a dissenting opinion, that institutional life protects the feeble-minded from moral, social, and economic degradation; protects society from a large percentage of its most persistent and most dangerous anti-social influences; relieves private homes of tremendous burdens which they cannot successfully bear, and trains the feeble-minded themselves to become useful,

more or less self-supporting, and happily contented members of society.

II. THE SIZE OF OUR PROBLEM IN UTAH.

The Educational Survey of 1910 Showed Nearly 1000 Feeble-minded Children.

In December, 1910, a specially appointed committee of the Utah State Teachers' Association—a committee composed of seven representative school men from Salt Lake City, Logan, Provo, and the University of Utah—made a state survey of mentally subnormal children of school age by sending questionary blank forms to all the school superintendents and principals in the state. Taking the counties and cities from which the largest proportion of principals made reply (Box Elder, Summit, and Utah counties, and Salt Lake City, Ogden and Logan) as a basis for calculation, it was found that there were about 2000 mentally subnormal children in Utah, nearly one-half of whom were distinctly feeble-minded.

The Medical Survey of 1906 Showed 500 Feeble-minded Children.

In 1906 the Utah State Board of Health made an attempt to determine the number of feeble-minded children in Utah, by sending letters to all the public health officers throughout the state. This survey, necessarily incomplete as it was, showed that at that time, nine years ago, there were at least about 500 cases of feeble-minded children in need of institutional care and training.

The National Estimate of 1911 Showed 1244 Feeble-minded Persons.

In March, 1911, the superintendent of the New Jersey Training School for Feeble-minded Boys and Girls, in a published "conservative estimate" of the number of feeble-minded persons in the United States, assigned the number 1244 for Utah, with 307,185 for the entire United States. This was based upon the census of 1910 as to population and the estimate that one in three hundred of the population is feeble-minded. "In regard to this ratio," he declared, "some will think that it is too high, but most of those who have studied into the problem believe fully that it is conservative and indeed too low."

The Actual Number of Feeble-Minded and Pivotal Facts.

A knowledge of the exact number of feeble-minded in Utah is not of so much importance just now as is an understanding of the following facts: That there are many more of them than has generally been recognized and that they must some time be cared for.

Utah's Present Inadequate Provision.

The inadequacy of Utah's present fractional provision for its feeble-minded needs hardly more than an allusion, in common public schools, in detention homes and industrial school for delinquents, in county alms houses, prisons, hospital for the insane—places not intended for them, and objectionable in every way. Even at the State Mental Hospital they are capable of caring for hardly more than fifty, and the sentiment of parents everywhere is strongly antagonistic toward sending their feeble-minded children to a hospital for the insane.

Recommendations of Many Prominent State Officials.

A state industrial training school for the feeble-minded during the past ten years has been publicly and repeatedly recommended by such men as the following, whose intimate acquaintance with the problem gives the weight of authority to their judgment: The late state superintendent of schools, A. C. Nelson; his successor, A. C. Matheson, and the present state superintendent, Dr. E. G. Gowans; secretary of the state board of health, Dr. T. B. Beatty; superintendent of Salt Lake City schools, D. H. Christensen. The Utah State Educational Association, the Salt Lake City Home and School League and other organizations have unanimously recommended that the legislature make public provision for the feeble-minded.

III. THE RIPENED EXPERIENCE OF OTHER STATES.

Utah Unenviably in the Minority Background.

Twenty-five years ago not over half a dozen states had attempted to maintain institutions for the feeble-minded, although some of these began over fifty years ago. Today a late report names only twelve other states besides Utah that have not provided state training schools and industrial colonies. These backward states are nearly all very small in population or undeveloped industrially, and are nearly all southern states of the Union. Public provision for the feeble-minded is also made in civilized countries throughout the world. Utah thus far is in the background.

The Working of the Sociological Miracle.

It is not within the province of this paper to describe any more than has been suggested the splendid results that are attained in training schools and industrial colonies for the feeble-minded. The published achievements of these institutions have placed them for many years entirely beyond the experimental stage. Such public provision wherever made is at once recog-

nized as the product of wisdom in meeting a social necessity. While it is a work of educational training, it is more essentially a work of sociological sanitation.

IV. BRIEF EXPOSITION OF VITAL ASPECTS OF THE PROBLEM.

The Quartette of Social Evils.

The formidable quartette of social evils—alcoholism, pauperism, prostitution, and criminality—are shown by definite investigations of recent years to be problems much more nearly within possible solution since it has been found that about 50 per cent of the cases are those of the feeble-minded. For example: The report of the Massachusetts commission for the investigation of the white slave traffic gives the results of mentality tests of 300 prostitutes, two-thirds of whom were found to be feeble-minded. One of the most careful studies on record finds that 89 per cent of the delinquent girls of the Geneva, Illinois, Institution are feeble-minded. In the three Virginia reformatories 79 per cent of the boys and girls are feeble-minded. In the Bedford, New York, reformatory 80 per cent of the inmates are feeble-minded. Many other records of other similar institutions show similar conditions. It is highly probable that 50 per cent of the inmates of our alms houses, and from 25 to 50 per cent of the people in our prisons, are feeble-minded. The former descriptions of what has been known as the criminal type we now know in the light of modern knowledge to be accurate descriptions of the feeble-minded. Of the 759 women who appeared before the Chicago Morals Court from April to December, 1913, the result of physical and mental examinations showed that practically all needed medical treatment, while two-thirds of them were found to be feeble-minded.

Heredity and Its Consequent Necessity.

About 65 per cent of the cases of feeble-mindedness we now know are the results of defective heredity. And, as it is further known that the feeble-minded mother has on an average twice as many children as women of normal mentality, it follows that, for this heredity group of feeble-minded, the only way to prevent this vast increase is to prevent their propagation. There are only two effective means to this end, namely, sterilization and segregation. But as the public mind is not yet ready to use sexual sterilization, there is only the one thing to do, which nearly every state in the Union is doing; that is to make provision for the feeble-minded in state institutions. No one but the uninformed would now, after the world's experimental experience of the last quarter century, ever propose as an effective means either that of educating enlightenment or of legislative

enactment, both of which have proved to be only incidental helps toward the solution of this big problem. To one feeble-minded girl, living at the time of the American revolution, through the lineage of her illegitimate child, has been traced the hereditary relationship of nearly one-half as many feeble-minded persons as there are in the entire state of Utah today.

Boy-men and Girl-women Now Given Responsibilities of Adulthood.

It is a very simple problem to understand why about 50 per cent of the drunkards, paupers, prostitutes, and criminals are feeble-minded. If an ordinary child of, for example, two, four, six, eight, or ten years of age, ceases to develop mentally, but continues to grow to adulthood in physical body, then you have a case of feeble-mindedness. When such boy-men and girl-women are compelled by a blind society to try to assume the responsibilities of mental maturity, no longer mothered and fathered as they need to be all their lives, what else could anyone expect than the probability of social delinquency, just the same as results when a normal boy or girl of that age is negligently turned out into the world with the freedom of adulthood. Parents commit a misdemeanor and are subject to fine and imprisonment as well as deprivation of the custody of their own child if they do what society now does in some states by giving these boy-men and girl-women the freedom and the responsibilities of adulthood.

V. WHAT IS TO BE DONE ABOUT IT?

This question will be answered by the legislative assembly now convening. The State of Utah awaits the answer.

EQUALITY IN LAND ASSESSMENTS.

Samuel Russell.

The maxim of the chancellors that equality is equity finds its most precise and just application as a principle properly governing land assessments for public taxation. But this principle, though clearly stated by Adam Smith in 1776, and subsequently generally held and recognized as a canon of taxation, has as yet not been realized in practice, because of the difficulty in conceiving a standard for its practical application.

The process of equalization in its most facile method is by classification and comparison. An owner of land may not complain that his assessment is high except by comparison with other land of the same class and utility which is assessed at a lower rate. As a matter of practice, the owner of land assessed for taxation will not complain that his assessment is too low. It will remain for another owner of similar land who is assessed

at a higher rate to complain of the inequality between his assessment and that of the first owner. And owners of land of the same class in the same locality will be quite alert and competent to discover inequalities if only the means of comparison are available. At the present time in Utah one owner has no ready means of knowing the assessment or valuation placed upon his neighbor's lands or upon lands of equal utility in other localities. Hence, the state does not have the benefit of the comparative views of land owners to promote a progressive approximation to equality in land valuations. And there are none who could contribute so much to an equalization of assessments as the owners themselves, if only afforded facilities for discovery of inequalities by comparison of assessments. For this purpose the assessment rolls in each county should be printed from set forms and published each year. The forms should be the property of the county. The necessary corrections could be made yearly. In the course of a year or two the forms would be so perfected as to be an accurate record of the owners, locality, description, acreage, classification and valuation of each separate tract of land within the county. To supplement this systematic arrangement of valuations, each county should have plats and maps of the lands within the county, which maps should be perfected from year to year from data taken in the field. When sufficiently perfected, with respect to showing public roads, streams, contours, land boundaries and the size and location of buildings and structures, these maps should also be published together with data indicating the basis of assessment for classes of property in the district, and also a statement of the assessment of each tract, to afford a basis for comparison of assessments by land owners, boards of equalization and others having an interest in the matter.

Lands should be classified according to the most approved economic use to which similar lands are generally put in the community or locality where the lands are situated. Land in its physical aspect is the soil and ground, the superficial area of which comprises the surface of the earth. Property in land, or the ownership of and title to land, is the legal right in a natural person or corporation to the exclusive use and occupancy of a particular tract of land having certain and known limits or boundaries. In law, the person who has the use has the present estate and possession. As taxes on land are laid annually, the tax is a burden upon the annual use or use value of the land. When land is let or demised to the use of a tenant the annual rent represents the annual use value of the land. In the business of renting lands and tenements, the tenant contracts to

pay what the use is worth and the annual rents agreed upon between landlord and tenant are generally to be relied upon as a fair indication of the annual use value of the rented property.

Land may not be taken to market like the goods and commodities of commerce. It is true that land has a subsistence and stability which is not an attribute of chattels and personal movable property, which are consumed in the process of use or the decays of time. Land values may be said to partake of the stability of land itself. But as a matter of experience land values are greatly depressed by a lack of purchasers and as greatly appreciated by any positive demand. Bankers loan upon lands up to "half" their appraised value. Yet, in cases of foreclosure, the lands are usually sold at judicial sale for the amount of the loan with accrued interest and costs, and an unscrupulous mortgagee, if he were to bid less than the judgment and costs, may in most cases take a deficiency judgment. The actual or cash or market value of lands is defined with ostensible clearness in the rules of law; yet as a matter of fact, such value is really a matter of appraisement and estimation by the personal judgment, which has no set standard, and is subject to all the variations of the human mind and opinion. To those who have seen the question of the market or actual or cash value of a particular tract of land submitted to a jury of good and lawful men, after days of trial and testimony from qualified experts who ranged in their estimates from $5000 to $20,000 under the examination of adroit lawyers, it will need no argument to demonstrate that the phrase "actual or cash value" of land does not denote anything which may properly be denominated a standard for the estimation of the value of lands. Nor are transfers to be depended upon as an equitable index of value. A great many sales are speculative; in others the price is fixed by a personal affection or fancy for the property on the part of seller or purchaser. Lands pass by inheritance and devise and by gift in consideration of filial affection. The factors which enter into the ordinary course of land transfers are so various and elusive that they do not afford a satisfactory standard for the equal assessment of land in any given community. In some localities sales are frequent, which stimulates an appreciation in prices, while in other communities of even greater prosperity sales are infrequent. Indeed, the greatest accumulation of wealth may be in those communities where lands are held in settled ownership, and are improved and adorned for the use and issues and profits which come to the owners. The methods and customs of the mercantile world cannot with propriety be referred to lands, tene-

ments and hereditaments. For the landlord it is a matter of uses, of rents, issues and profits and not a matter of price in the market overt or of quotations upon the stock or commodity exchanges. The use and enjoyment one may get from the legal possession and occupancy of land may neither be enhanced nor diminished by the estimate or appraisement at which an assessor or other person may value such land in terms of money. This is not to say, however, that the use of land or its annual use value has not a direct relation to its capital value. Indeed, it is believed that the annual use value is the first and proper basis upon which to estimate the capital value for the assessment and levy of annual taxes.

The standard proposed for equality of taxation not only as between lands of the same class, but also as between classes of lands and as between localities among themselves is that the assessment of lands for the levy of the public revenue should be upon the basis of an uniform capitalization of potential ground rents. To exemplify the method of ascertaining ground rent, we will assume that a house of a design attractive and useful for tenure and constructed with a view for utility for the sum of $1000.00, is erected upon a fifty-foot lot in the suburb of Salt Lake City known as Poplar Grove. In this locality the house and lot rents for $10.00 per month, which makes an annual use or rental value of $120.00. The house is known to be actually worth $1000.00. Allowing 6 per cent on this sum, or $60.00 as the building rent, the residue of $60.00 is the annual ground rent. Estimating the capital value of this fifty-foot lot at the uniform standard of five times the ground rent, we fix the capital or assessed valuation of this lot at $300.00, which may be taken as a standard for the assessment of building and residence lots, whether occupied by buildings or not, for the suburb of Poplar Grove. The actual ground rent for this improved lot is the potential ground rent for every similar unoccupied and unimproved fifty-foot lot in Poplar Grove. Of course the figure of $300.00, or whatever figure is found, could be quite as well reached by the average of several houses and lots constructed for use and tenancy in this neighborhood. Having established a standard at several points in this locality, the assessment of the land may proceed as to intervening lands by means of equalizing tables and other means in use by assessors for equalizing assessments as to lands within the same general class and locality.

Now if this same thousand dollar cottage is erected upon a fifty-foot suburban lot in Forest Dale, the house and lot will rent for $15.00 per month or $180.00 a year. Allowing $60.00 for the building rent, the residue of

$120.00 will be the annual ground rent for this class of fifty-foot lots in Forest Dale. At five times the ground rent, the capital or assessed value of fifty-foot lots in this particular part of Forest Dale is fixed at $600.00.

If this same $1000.00 cottage is built upon a fifty-foot lot on Third avenue in Salt Lake City, it will rent for $25.00 per month or $300.00 per year. Allowing $60.00 for the building rent, the residue of $240.00 is the annual ground rent for fifty-foot lots in this locality. Multiplying this ground rent by the uniform capitalization rate of five, we have $1200.00 as the assessed value of this class of lots at a particular point on this avenue.

The same method may be applied as to business property and by a system of averages and equalizing a standard of frontage assessment for any particular block may be reached.

The same method may be used as to farm lands. Lands which rent for $10.00 per acre per year should be assessed at $50.00 per acre and this standard should be applied to all lands of this class in the same community and situation. Pasture lands which rent at $5.00 per acre per year should be assessed at $25.00 per acre and this standard applies to all pasture lands of similar quality and situation. Dry farm lands which rent for $2.00 per acre per year, or its equivalent in grain, should be assessed at $10.00 per acre, whether farmed or not, if lands of the same quality are being cultivated in the neighborhood as arid farms. Grazing lands which are annually worth twenty-five cents an acre should be assessed at $1.25 per acre. There should be a minimum standard for assessment of grazing lands at $1.00 per acre. If lands in private ownership will not bear an assessment of $1.00 per acre, they should escheat to the public domain of the State. The annual produce of agricultural land is the joint produce of the land and farm labor and farming tools and stock used in the process of farming. Only the land rent should be considered for purposes of assessment.

Following out the same principle, the assessment of mercantile, manufacturing and industrial concerns whether as licensed traders or business corporations should be by the standard of the capitalization of their annual profits which should include all moneys available for distribution as interest on borrowed capital and as dividends to stockholders or partners. Where such business traders, partnerships or corporations, are using land and buildings in their business, which are assessed as such, the ground rents of such lands together with 6 per cent on the appraised value of the buildings and fixtures, or the rents actually paid for such buildings and lands, should be deducted from the profit

before they are used as a basis for the annual assessment of the business. The law could require corporations and licensed traders doing business in the State to file with the State taxing agency, a duplicate of the reports as to profits and income presently required to be filed with the United States Commissioner of Internal Revenue. The data in these reports could be used to assess the business as a going concern quite apart from the value of its fixed property, otherwise assessed. The tax on the movable stock and personal property used as capital together with that on the franchises, privileges and good will of the business would of course be merged in the tax on the business upon assessment made by a capitalization of the annual profits.

Upon the same principle, solvent credits, bonds and mortgages funded on land, rents, or secure revenues, may be capitalized for taxation at five times the annual interest.

By an application of the same principle the assessment of producing mines could be made upon a capitalization of the annual net proceeds, thus equalizing the assessment of mines with that of other real property.

Personal property constituting wearing effects, paraphernalia, and household furniture and utensils in actual personal and family use and not used as stock or capital in business, ought as a matter of policy to be exempt from taxation or merged in the valuation of the houses in which they are used. It may be that as a matter of policy, agricultural implements in actual use on farms should be exempt from taxation.

The assessment of houses should be systematized and standardized by experts. Houses, generally speaking, are of the same intrinsic value whether built upon dear or cheap land. A business block is intrinsically of the same value whether it stands on Main street or at a corner in the suburbs. Buildings may be equitably valued as to the dimensions, quality of material, state of depreciation and repair, and other factors which may be properly estimated by building experts.

The valuation of live stock should generally be uniform as to cattle in the same class. Owners of blooded stock ought not to be penalized by extra assessment. The owners of inferior live stock should be impelled to bring their cattle up to the higher standard, by assessment of all live stock within their respective species, at a uniform rate, fixed on the standard of good average cattle.

There should be a special automobile and vehicle tax to be covered into a fund for exclusive use on the public roads.

Taxes raised from inheritance and successions

should be covered into a fund to be used exclusively for the maintenance of the common schools.

Poll taxes and taxes on occupations and professions, if laid at all, should be upon the basis of the personal income derived from the labor, trade or professional services and faculties of the person taxed. These should be laid exclusively by municipal governments.

In all the processes of assessment of property and levy of public revenue, the primary desideratum of equality as between tax payers, should always be kept in view. And for uniformity and efficiency, this may only be properly done by a central authority whose powers shall extend to all persons and property in the commonwealth.

ECONOMIC PHASES OF PROHIBITION.

George A. Startup.

At the hearing before the Senate Committee on Farming and Irrigation on Thursday, February 4th, representatives of Big Business presented their reasons against the favorable reporting by the committee of the Wooton bill on prohibition. The arguments, when boiled down, were to the effect that taxes would go up and business down. Long lists of figures were presented by one real estate man, picturing a woeful state of affairs after this bill went into effect.

Let us now consider whether in fact the general legitimate business of a community or State is really injured by prohibition.

When in Columbus, Ohio, a year ago I heard the Mayor of Rockford, Ill., say that the town never had prospered as it did after doing away with "booze," and the latest reports from West Virginia (where millions were invested in the brewing and distilling business), show that since the breweries were turned into packing houses, ice plants, etc., that they employ three times as many people as they did when making poison beverages; in Wheeling, that big manufacturing center, where there were as many as 14 saloons in one block, every place has been rented to another form of industry; in the same city, the workhouse that formerly averaged forty to sixty prisoners now averages only six or seven daily, the number of guards being reduced from fifteen to four. Since Wheeling went dry the construction of two new banks has been started, one to be nine stories high, a new hotel has been built, a seven-story wholesale grocery started, a six-story dry goods block is going up, a big new furniture block is under course of construction and hundreds of thousands of dollars have been put into remodeling old structures previously used for saloons, as poor places would bring high rents for that

ruinous business. It will be the biggest building year in the history of the town. And Ohio county in which Wheeling is located has cut its tax levy twenty cents on the thousand under prohibition. Governor Hatfield of West Virginia wrote to the writer: "Prohibition has proved a God-send to thousands of poor families in this period of industrial depression." And remember that prohibition only went into effect in West Virginia the first of July last year.

The reports from Arizona are equally encouraging. Several banks that had failed, have re-organized for business since "booze" has been banished from the domains of Arizona, and many other new enterprises were announced in the press recently.

Now, coming right home with this talk, consider even the benefits of local option in Utah. Provo has always been conceded to be the most temperate town of its size in the country. With a population of 10,000 people, besides much contributing territory surrounding, we had but three saloons to vote out of existence three years ago. Therefore the following figures, in order to fairly represent the economic drain of the saloon on the average community, would have to be multiplied by 2, 3, or even 4. These figures are based on the actual book records of two of the saloons, which became available on account of the repentance of former owners, and the other is estimated by these gentlemen and are therefore fairly accurate:

Smallest day's receipts for the three saloons_____$66.00
Largest day's receipts for the three saloons____$2,525.00
Total receipts for the year_____$72,760.00

The largest receipts were on circus days and holidays. Eighty-five per cent of the trade were home people. In five years we spent in only three saloons $363,800.00. This does not count what the drug stores sold.

To arrive at what this waste is to other towns just figure what the population is, and the number of saloons per thousands (remembering that Provo was an exceptionally temperate town, having only three saloons to ten thousand people), making due allowance for variation of conditions. Is it any wonder that states that have actually enforced state-wide prohibition are forging ahead in every respect? It is a notorious fact that collections are always poorest in wet communities, especially if the least sign of hard times is present.

Really big business men, employers of labor, who think at all on economic and social problems, are leading in the crusade against the use of liquors, for they know it is the enemy of profits and efficiency. Note the rulings of insurance companies,—life, accident and em-

ployer's liability insurance. To insure "safety first" we must guarantee "sober first."

The man who thinks more of his job than he does of his drink has the floor. The standards of efficiency are becoming so high that only he who has the steady hand unimpaired judgment and clear brain are sought after. It has been discovered by careful observations that Monday following the weekly holiday, with its usual indulgence in liquor, is the dreaded day of disasters in mills it has also been shown that at ten o'clock in the forenoon and three in the afternoon, just long enough for alcohol to produce its effects after the morning and noon drams, are the dangerous hours for men and machines. Hence the great United States Steel Mills, covering the whole of Mahoning valley, in March last issued a sweeping order to the effect that all promotions hereafter will be made only from the ranks of those who do not indulge in the use of intoxicating drinks. In the same month the Great Northern Railroad notified the town of Garreston, South Dakota, that unless it voted out the saloons and kept them out the road would move its division headquarters to an adjoining dry town.

And yet here in Utah we actually have "leading" men talking about the injury that prohibition will do the State; and lamenting the revenue that we will lose etc.!

In regard to the rent problem that Mr. Tyng urged is it not a notorious fact that the exorbitant rents that have been burdening the merchants of Salt Lake is one of the causes of the very high cost of living? If the closing of saloons in the main part of Salt Lake would tend to reduce rents, would it not be a boon to the long suffering public? All "one street towns" have been held up on rents, and Salt Lake has certainly had her share, and it little behooves the real estate people who have enjoyed such disproportionate returns on lands in the center of town to now say they cannot stand a re adjustment.

The tax question is another bogie of the liquor advocates. If the money of the people is diverted into legitimate channels, as is always the case when prohibition is established, surely the increase in taxable property will many times off-set the taxes paid by the liquor men. Emporia, Kansas, a town same size as Provo, taxed its citizens and property only about one-half what we were doing when the comparison was made three years ago. And then if part of the towns of the State insist on being wet, while others remain dry, they should pay for sixty per cent to eighty per cent of the expense of all criminal prosecutions, maintenance of asylums, jails etc., for the official reports from Russia show that when prohibition was established there was immediately a re

duction of crimes of all sorts of about eighty per cent on an average.

The following telegram just received from Wm. A. McKeever, Professor of Child Welfare, at the University of Kansas, Lawrence, should forever silence those who slander prohibition communities. A telegram had been sent the professor, advising him of the assertions of Judge E. F. Colborn, Rev. Elmer I. Goshen and others, in regard to the situation in Kansas. The answer follows: **"Colborn statement fraudulent and defamatory. Compare old imperfectly reported statistics with recent complete ones. Prohibition is as sacred as religion in Kansas. We lead the nation in low percentage of crime, suicides, juvenile delinquencies, etc. Our legislature will probably act relative to your telegram."**

The Philadelphia Liquor Dealers' Association put it this way: "If it were not for the revenues that the saloons of this country are now paying the Government, heaven only knows what would become of the tax payer." To which the Philadelphia North American replied: "This statement is at once an insolence and an untruth. The sanctuaries of this nation are not built upon pillars made of kegs and barrels. Something besides bottles stands between America and bankruptcy. * * It is a palpable and vicious attempt to deceive those of the people who are unacquainted with the real economic, political and industrial conditions of the country." And the Indianapolis News made its rejoinder as follows: **"One thing is certain, this saloon question will in no wise be settled on a money basis. It is beyond question that any suggestion of revenue will count only as an irritant; for the change that seems certain to be wrought in the liquor business by the wave of reform that is sweeping the country will be for moral reasons."** And the Sacramento Bee said: "We do not believe in prohibition, but if these hellish evils are not to be remedied—if the dive, the deadfall, the low saloon, the wedding of liquor and lust are not to be cast out of the traffic—if it is still to continue a menace to our boys and a lure to our girls, then the State of California had better embrace prohibition as the least offending and offensive of two evils."

"PROHIBITION AND PERSONAL LIBERTY."

Rev. John Malick.

Liberty is much upon our lips. "Defend our liberties," we pray. France gave us a goddess of liberty, holding high a torch. We placed it in New York harbor. It is a symbol, to the immigrant, of the promised land. It last greets the departing traveler.

Philosophy and science tell us that we have but little liberty in fact. As a state of mind we need much of it.

If we are chained by ancestry and events we feel better to think that we revel in a world of freedom.

Few use all the liberties they have. Many could exercise all the rights they do exercise, or feel the need of exercising, just as well under tyrant rule as in a democracy. So the ancient world said since these liberties are not used why grant them? We take the other position. We set out all the liberties before each and urge him to use all as soon as he is able.

We are interested at this time in the liberties we do use and should not. Where do we get these liberties? Men answer, "Am I not free? May I not eat and drink? I am born with all these rights. They are inherent." Much oratory has adorned this proposition. Even Robinson Crusoe was free only in so far as his man Friday was of the same opinion. The inherent right to breathe pure air is quickly merged in the practical field of keeping out smoke and foul odors. The inherent right to stand where we get the best view of the sun meets the practical difficulty of being arrested for trespass. In fact, we have what we are permitted to have by the rule that is over us. Under a religious government men have the liberties allowed by their priests and sacred books. In a kingdom they have the liberties granted by the king. In a majority ruled government they have the liberties granted by the majority. We have but changed the dispenser of our liberties. The only safeguard is the good temper and sanity of the majority, as the only safeguard of a kingdom is the sanity and good temper of the king. True it is, the majority may be wrong on its facts. It may grant or withhold too much. Men are said to descend to meet and there is a mob spirit. When we accept democracy we accept this possibility. The majority is capable of venomous tyranny. It holds vast possibilities of ill. Too, it can rise to the liberty that makes free in spirit and in truth. We recognize this and would keep it sane, not asking more than freemen choose to grant. So far as a single liberty is denied, for the proposed good of all, we would deny it only after a wide survey of facts and along well settled lines of principle.

On many points there is very general agreement about the things that no one should have the persona liberty to do. Murder, theft, adultery, many of the "thou shalt nots" of our moral code, we accept and do not feel our rights abridged. These have not been campaign issues in our time. We have not voted on them. Wher it was being discussed, in the long ago, whether they should take these rights to murder, rob and commit adultery away from the individual, rights which had never been questioned, we can imagine that they had feasts after their manner and much fine talk about robbing a man of his personal liberty.

Other things, more recently, have been decided and the liberty denied. Lotteries, holding slaves, fighting duels, the right of the creditor to beat his debtor and put him in prison—these things have been decided in very recent times. One of the old buildings in Harvard was built by lottery and a tablet records the fact. No one doubted this liberty to sell lottery tickets to build an institution to educate their clergy. Holding slaves was a liberty questioned by no one except those few who wished to hurt business and attend to other people's affairs. Fighting a duel was a God-given right. No man could deny to another the right to defend his honor in his own way. If a man will not pay who can deny the creditor the right to the satisfaction of beating him or putting him in jail? Those who know the history of these things know how, as each came up for decision, the cry went up that, in taking away these liberties, the very foundations of the republic were being undermined. Yet we accept these decisions. No one is conscious that he is being deprived of life. No one thinks of putting these things to issue again.

In another group of questions, concerning personal liberty, the decision was wisely the other way, taking away rather than adding restrictions. Shall we regulate a man's dress or a woman's? We read of many cases in our early colonies where a fine was imposed for dress or display beyond one's station or financial ability. The dress of the students in Harvard college was strictly prescribed and regulated. We let the servant, the miner's wife and the laborer choose according to fancy all the details of dress. In college men may be dapper or Bohemian. Work on Sunday, the language used, chapel attendance, church attendance—rules were prescribed for these things. Here we have enlarged the liberties, showing that the majority does not move wholly along the line of imposing restrictions.

Time has brought another group of personal liberties for decision. Shall a man be allowed to buy all the land he can buy? Shall he cut all the timber he can control? May he demand any price and exact any interest? Shall we allow him strict foreclosure of his mortgage? Is it his liberty to place any kind of food in a can; write his own fiction on the label; measure with a private yard stick and scales? May one set up any business anywhere and name his hour to close? Have men the liberty to cover us with smoke and befoul our air; outrage our sense of beauty with a signboard and din their noise without measure in our ears? Men may sell merchandise. May they sell poison, firearms and obscene pictures? We have nude art in the museum; may we send it through the mail? May we buy both quinine and morphine for our pains; whatever we will for our thirst? We take a chance at the raffle; may we

with cards and a wheel? These old-time liberties have been questioned. They are up for decision. We must pass upon every one.

The circumstances are many, complex as human needs and desires. What principle should guide our decision? We saw that with our method of fixing our liberties the majority is the instrument, the ballot the means. What this larger group allows is permissible, what it denies is forbidden. To apply the principle we ask how much the liberty benefits A. Against this we weigh the harm to B, C, D and E. The good to one is balanced against the ill to four and as the beam inclines such should be the decision. A says, "This is my right." B, C, D and E say, "You do us more injury than you do yourself good."

Is this a principle recognized by Sunday schools, pulpits and reformers only, those who have no real knowledge of life? It is a principle well known in our law and many times passed upon by our courts. We protect the humblest citizen in his cottage. A rude hut and acre at the center of Biltmore, Gould's great estate in the south, remained the home of the owner because it was the man's wish against another man's wish. So many a humbler dweller, first on the ground, has been protected against the demands of a powerful and conspicuous individual. But if the larger group is to be served we make any one sell at a price that is fair. We call this taking by the right of eminent domain. We let one individual pursue another according to the full demands of his note or contract, but if the whole people are in distress we declare moratorium. We say that every written obligation shall be extended for six months or as long as the distress shall last. If the public health, safety and morals demand, we go in and take away rights never before questioned. We call this exercising the police power. When the liberties of many clash with the liberties of a few we have these legal loopholes through which we escape to the common welfare. This is legal recognition that law lags behind the everlasting ought. What we find approved by this ought we tardily write into our statutes and ordinances. Is there a limit upon our power of taxation, except the physical capacity to pay, until the sense of public good is satisfied? Is there any limit to our taking by eminent domain until the majority standard of the common welfare has been met? Is there any limit to the police power until health, morals and equity are assured?

In our cities we have spent much time balancing the conflicting ideas about the things that each man should be free to do. Indeed, this has been pointed out by foreign critics as one reason why our cities have not yet reached many of the advanced things in city administration. With us it has been a conflict between

the conceptions of the Puritan and Europe. The conflict has centered often about the use of Sunday. What can be done on Sunday, what kept open, sold? What games should we be allowed to play? These questions have concerned us greatly. We have reached a mean between the Blue Laws of the Puritan and the European freedom. Some call it a golden mean, some call it iron or brass.

So, measuring all the good a liberty may do, then balancing against this all the harm it may do, we say where the line should be drawn between the permissible and the forbidden. Some say the line is just beyond opium and such drugs. We should prohibit their use and sale. Others say the line should be extended to take in absinthe. Others would take another step and include whiskey, then beer, then coca-cola, then patent medicines. Some would place the line between gambling with a wheel and giving prizes at the club. With prostitution the limit should be at license, segregation, close supervision or entire banishment. We found the principle well established by history and law that we may take away a man's liberty to do, to use, to sell, if we decide that the facts are against him when the common welfare is contesting its rights. We differ only as to the points between which we must stop and say, "Draw the line here. Beyond this point we should not impose the collective will on the individual will."

This city and state are now deciding whether another field should be added to the prohibited. The results of the liberties in question are admitted. The matter is being discussed on an agreed statement of fact. By the tests of efficiency on the track, in the gymnasium and the whole field of sport; by the tests of efficiency in the shop, factory, store and on the railroad; by the tests of human experience with disease, vagrancy, crime and prostitution, all these fields pour out a weight of evidence. Men who have no sentiment in the matter; men who ask only, "Does it pay?"; scientists who seek things as they are, all these render the decision that alcohol makes for inefficiency and demoralization. The argument has been removed from the field of sentiment to the field of fact. Insurance tables speak louder than the pathetic stories of the temperance lecturer. In the last stages no one questions the results. Even when moderately used, by those who can take it or leave it alone, it may steal away one's brains and business ere he is aware. Like the consumptive, he tells us he is gaining while the disintegration is going on. Under many a non de plume alcoholism hides in the death certificate. It deceives only the uninformed in the list of deaths reported today. Alcoholism is one of two or three thing we do which is so deadly that its results

break through into the very germ that carries on the generations. When we know how nature has protected this thread of life from outward attack we know how alcoholism compares with other harmful things that we do.

We do dislike "a holier than thou" man, who flaunts his virtue in our face. We dislike those who patronize us and reach down to take care of us. The question is much larger than this. With dignity and reason, we can note on one side all the pleasant sensations, the good cheer and fellowship. We can give full weight to the use of alcohol in all human relations. Then with as good reason, we can consider the rights of homes and children. We can add to this the right of one's business and employer to a steady hand and a clear brain. We can add to this the burden of taking care of his children, a part of the cost of litigation, a part of the cost of our penal, reformatory and remedial institutions. We can add to this that other men may have some right to name the life chances of their children on these same streets. We may add to this that one may reasonably say that this thread of influence should not run through the low resorts, up into the rooming houses, up into financial institutions, up into the politics of the city and state. It is our right and duty to weigh the actual and probable consequences of every liberty we grant and protect. We should weigh these benefits and burdens. We should study the line up and the motives. Ask which conception of liberty will make this the best city to live in.

If one wishes to live life up to the high mark there is still another step to be taken. Suppose we can use all these liberties and more, that send other men to humanity's scrap pile. Suppose we could have every building turned into a place of vice and still be secure. Do these men mean anything to us, do we owe them anything, those who always cry, "Save me from myself and my folly?" The real test of a man is how he deals with children, fools, all those incapable of taking care of themselves. One group of men and institutions, in a city, live by dealing with these as legitimate prey. By drug, liquid, suggestion and influence they are made to yield rich return. Another group of men and institutions take the remains, on which the first group has fed, and build again if they can. Ask ourselves which group is usually found shouting for personal liberty, the bulwark of our republic. Shall we stand on our right or rise into our opportunity? Shall we use all our liberty to plant snares for those infirm of step or shall we use our liberty to make a straight, smooth, guarded way for men's feet, so that one, though a fool, need not err therein? It is our privilege to choose.

Dr. J. E. Talmage
Vermont Bldg
City

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HEAVY AND SERIOUS AND SOLEMN.

Seldom it smiles, and smiles in such a sort as if it mocked itself, and scorned its spirit that could be moved to smile at anything.—Julius Caesar, Act I, Sc. 2 (with revisions to fit).

Some of our friends with our interest at heart have at times gently inferred or even boldly accused us of being "too heavy." This has quite pained us, because we had thought that our pages were full of humor. But inasmuch as the suggestion was given in a kindly spirit we gave it serious consideration. And now that we have at last determined on a policy we hasten to divulge it. Some time we may intersperse our pages with jokes and pleasantries of such a nature that he who runs may laugh. Until then we beg to serve notice that we will resist, with utmost determination and vigor, any tendency to be pleasant or joyful. There are magazines for all purposes and conditions of men. There are those that arouse to action, like the Appeal to Reason and the Salt Lake Municipal Record; those that amuse and entertain, such as Life and Goodwin's Weekly—perhaps; those that are sweetly reasonable and lull to peace and calmness; those which shock and stir and startle. We want none of these. We want to be heavy and serious and solemn. We dislike to agitate; neither do we feel complimented to act as a soporific. We desire our readers to sleep, but we want it to be a troubled sleep, a sleep with dreams of things left undone which should be done. We would that you went to bed with the hint of a headache or even a slight suspicion of neuralgia in the side of the face after spending an hour with us. If we could afford to be honest we would print across the front cover the legend, "Not a smile in it."

We have a reason for this policy. We are after the "good" and "decent" people—those who sleep o'nights. Oftimes we chaff a bit at the complacency of respectability. We watch it dutifully worshiping every Sunday—when the golf links are not in condition. We see it even teaching in Sunday School. In the morning at the breakfast table it critically condemns all the horrid things

which are published in the newspapers after it discusses them with the spouse. At night it is the theatre or the picture show or the Saturday Evening Post—all splendid refuges for the tired business man. We are in revolt against the "good" people. "Good" is always the enemy of the "Best." But we want to be kind and gentle; we do not want to arouse these people unduly; we only want them to become possessed of a large, dull ache of the soul; something which will soften its essence sufficiently to allow the idea that they are "not worth their salt" to soak in and pin-prick the conscience. This is the reason we are heavy and serious and solemn.

THE GOVERNOR'S VETO.

Governor Spry, on the 18th day of March, 1915, filed the Wootton Prohibition Bill with the Secretary of State, together with his reasons for veto. The veto letter has the earmarks of having been written by someone other than the Governor. The reasons presented are worth analysis.

The Governor states that in 1911 under the local option elections a large percentage of the people voted to continue the liquor traffic. This assumes that those people, after four years of growing prohibition sentiment, are still of the same opinion. Furthermore, "that large proportion" which the Governor mentions was a decided minority of the people of the State. Of course when one is looking for reasons to justify an action rather than to act as justifies reason, there is small hope of convincing that on a moral question the majority and minority decision must be by the entire State population as a unit. Parts of a people cannot be segregated in order to pass on a moral question whose consequences affect the whole State. If the consequences of the liquor traffic could be confined simply to that part of the State wherein it exists this principle would be tenable. Therefore, the decision of a large proportion of the population of a certain portion of the State cannot maintain against the decision of the people of the whole State.

Before the Wootton bill was presented to the legislature the Attorney General of the State gave as his opinion that any referendum clause in the bill would render it unconstitutional. After the bill passed the legislature the Governor gives as one of his main reasons for veto that there was no provision made for submitting it to the people. He scores the presenters of the bill for introducing it with an "apology and explanation that under the constitution a prohibition measure could not be submitted to the people for approval or rejection." After the Betterment League was advised by the highest legal official of the State, whose counsel was at the Governor's right hand when he vetoed the bill, that a refer-

endum clause would invalidate it, we are told that the bill was vetoed because the referendum was not provided for.

The Governor, in his letter of disapproval, showed concern over the failure to give the representatives who pledged themselves to submit the question to the people, an opportunity to do so **although every candidate for the legislature of the Governor's own party from Salt Lake County refused to give such a pledge.** Would the Governor have signed the bill if it had contained the referendum provision? Would he not have taken the advice of the Attorney General that it was unconstitutional?

The Governor had a glorious opportunity to allow the people to vote on prohibition by signing the Initiative and Referendum bill. **He vetoed that bill.**

The Governor finds that the proponents of the bill were deaf to suggestion of amendments, including amendments to compensate the liquor men for the loss of their property. We can see no moral duty to compensate for loss due to the wiping out of a traffic which has been largely detrimental to human welfare. Such a business exists at its peril, and if anything should render compensation to society for the loss and waste which it has wrought against society. The debt is the other way.

The Governor states that the framers of the bill destroyed its force by exceptions. Perhaps its force was somewhat destroyed by exceptions, but these exceptions were passed on by the Attorney General. Granted that the Governor believes in prohibition, the bill was not so weak as to be worse than none. Once on our statute books and the weak places could have been strengthened by the next legislature.

Much was made of the contention that the bill transferred the liquor business from the saloon to the drug store. While we think that the feature allowing drug stores to sell drinkable alcohol in any form was a weakness, it was less of one than the opponents made it out to be. Perhaps in matters like this it is better to be uncompromising. Many doctors of reputation state that alcohol as a medicine can be dispensed with. At least the inconvenience or even hardship suffered in the few cases because of inability to procure for medicinal purposes is negligible compared with the opportunities afforded to partially nullify the law by allowing drug stores to sell it. As far as mechanical and art purposes are concerned, denatured alcohol could be used.

The fight for this reform during and preceding the legislative session has by no means been rendered worthless. The liquor interests have fought by fair means and foul. The eyes of the community have been opened.

We know more than ever with what we have to deal. Sentiment is more and more crystalizing. If the liquor interests are shut off hereafter without a generous allowance of time they will have themselves alone to blame.

THE UNIVERSITY AFFAIR.

The Utah Survey on March 16th sent the letter set out hereunder to Dr. J. T. Kingsbury, Mr. W. W. Riter, Dr. A. A. Knowlton, Professors Snow, Wise, Bing and Marshall, of the University of Utah. A night lettergram was sent to Prof. F. W. Reynolds while he was in Chicago, en route for the east. The letter, excluding the address, was as follows:

March 16th, 1915.

Dear Sir:—

The Utah Survey, as you are probably aware, is concerned with the publication of matters of interest touching our civic, social and educational institutions. The Survey considers that the people of this community would be interested in a fair and authoritative account of the reasons and circumstances attending the notification to Dr. Knowlton, Professors Wise, Bing and Snow that they would not be recommended for positions on the teaching staff of the University of Utah for the coming collegiate year; also the demotion of Professor Marshall and the matter of changing the location of the offices of Professor Reynolds.

We desire to publish, without comment, accounts of this action written by yourself, the President of the Board of Regents, the President of the University, and each of the other professors concerned, so that the entire matter may be fairly and justly laid before the public at first hand. Will you favor us with a statement of the matter as you know and understand it? We are addressing a similar letter to each of the above mentioned persons. We desire to publish these statements in the April number of The Utah Survey, and therefore, ask that the material be in the hands of the managing editor by the 25th day of this month.

Thanking you, I am,

Yours sincerely,

JAMES H. WOLFE,

Managing Editor of The Utah Survey.

We have received reply letters from Dr. Knowlton, Professors Snow, Bing and Wise, which we print hereunder without comment. We also received a letter from Mr. W. W. Riter, which we print. The statement referred to in this letter of Mr. Riter's is the one printed in the daily newspapers on March 18th, 1915. Although we

received no reply from Dr. Kingsbury there came in our morning mail a pamphlet entitled, "Public Statement," the same as was received from Mr. Riter and above referred to. We suppose this came from Dr. Kingsbury. We do not publish this public statement given out by the Board of Regents for the reason that it is too voluminous for this magazine, and secondly, because the same statement appeared in full in all the daily newspapers on the 18th and 19th of March. The statements and letters received in reply to our inquiries are here set forth:

Statement of George C. Wise.

At the outset I would say that I do not **know** what the cause of the trouble really is.

Before I came to the University I was concerned about the so-called Mormon question, but upon becoming a member of the faculty I acted in good faith and tried to conduct myself exactly as I should have done anywhere else.

During my ten years of work here, I have seen no proof of Mormon influence in the University. It is true that I have seen what seemed to be evidences of favoritism, but proof of even that has been lacking, so I have tried to forget the instances. In looking for traces of sectarian prejudice I have been actuated only by the general principle that, although there is no desire to find trouble, it is advisable to be on the lookout for Indians when in Indian country. Wholesome trust in people does not, I take it, preclude caution in dealing with them. These good, Mormon friends of ours have called themselves "a peculiar people." My solicitude at first was akin to the feeling of insecurity one experiences during the first few months' sojourn in a foreign land. Much of this attitude of mind was lost after years of friendship, and I finally concluded that Mormons were very much like other people. Therefore I am not ready to declare religion to be the reason for my virtual dismissal. But, in view of the religious affiliations of the members of the Board of Regents and the possibility of sectarian influence in Utah politics, I am likewise not ready to assert that church policies are not concerned in my case.

I cannot see that I have been culpable from the standpoint of general practice in university work, principles, or ethics. My schooling was long and thorough, lasting nineteen years before I began to teach. I completed standard courses in the secondary schools. Afterwards I studied in Wilton (Iowa) German-English College, the University of Iowa, the University of Chicago, and, as a foreign student, in the University of Paris, France. I have studied and observed schools and teaching in

this country, in Germany, Switzerland, and France. Before coming to Utah I taught for two years in the Corning High School, Iowa. Surely, I have thought, I know something about school matters in general as well as in my own narrow field; why, then, should I not with all due respect suggest improvements and try to build up the institution which I serve, as well as to teach German, French, and Spanish?

Such a procedure was easy if not unavoidable, for the reason that modern language teachers nowadays use nearly every year at least one text which treats what the progressive German teachers of language call "Realien," namely, realities of real things and facts concerning the life, customs and institutions of the people whose language is being studied. An important chapter in such a text deals with education and institutions of learning. Now, live young men and women, Utah young men and women, cannot be tied down to a text book very successfully. Comparison is almost always called for, and discussion concerning the relative merits of systems, of institutions and of localities waxes warm. One day early in 1913 came the flat questions: "Where does Utah stand in comparison with Yale? with Colorado? with Nevada?" My answers were in accordance with the truth as I then understood it. Utah stood between Colorado and Nevada in rank, although I said that in the matter of credit and entrance requirements I had been told that Nevada was more strict than our own state. I did not forget nor neglect to add that in this respect Utah was improving rapidly. I remarked also, in mentioning Yale and Colorado, that comparison of schools so essentially different was unprofitable and likely to be unjust in view of the financial support, the location, age and nature of the institutions in question. I insist that my criticism on all such occasions has been constructive and fair.

Not long after this recitation I was called to the President's office because of the discussion just narrated; the date was February 24, 1913. Upon criticism from the President, I refused to recant without a statement from him that I was wrong. This statement he did not make, and the matter was dropped. Here is, however, in all probability the basis of the charge, "You have spoken about the University before your classes in a depreciatory way." At any rate that is the only time I have been on the carpet in the University of Utah.

On January 21 before this affair I had given to Professor Reynolds of the University an article which I had written as a "Defense of the College of Arts and Sciences," hoping it would prove of value in the legislative inquiry into educational matters which was then

pending. I had worked some twelve to fifteen solid hours on it and felt justified in asking the President to read it. Whether he did or not I do not know; in my judgment only two passages were "dangerous." These were: (1) "No narrowmindedness is desired (in a university), for 'university' connotes totality; its aims and purposes are for no special class or nation but for mankind, for the universe;" and (2) "Nothing but an imperfect and irregular growth in the civilization of the commonwealth or in the settlement of the state can justify excessive fostering of any certain college to the detriment of other schools which, in view of the ultimate aim of the university, are wholly justifiable." Parts of this article were published in the editorial columns of the Deseret Evening News, issues of February 28, March 7, and March 10, 1913.

On Monday, November 2, 1914, the University faculty discussed the advisability of dismissing classes during the session of the Utah Educational Association. One professor gave as a reason for dismissal the fact that the other schools of the State intended to sacrifice their work. Although I am a member of the State association and have been for years, I objected to the argument, saying in effect that inasmuch as we were at the top of the educational system in the State, it was our duty to suggest to other schools, by doing, what was right to be done, rather than theirs to advise us. That same day I spoke against a ruling made by the President.

In 1910-1911 I was absent on leave without pay; had I remained at work I should have received an increase of $100 over the previous year according to the automatic salary schedule then in use. When I returned I expected another increase of $100 according to the same system, which so far as the faculty knew was still in use. I received, however, but one increase of $100. This arrangement struck me as unfair, and I complained to the President, saying, perhaps unwisely, that it seemed to me I was being penalized $100 for spending a year and $1,500 abroad to the advantage not only of myself but also of the University. Dr. Kingsbury declared I was wrong and suggested that I leave the institution if I thought I was being unjustly treated. That year the authorities had permitted the head of my department to sign my contract, so that I did not know what the salary was to be until, in honor as I saw it, I was tied up.

The above incidents are apparently what has produced the "breach" between the President and me. So far as I am concerned, a breach is not a difference of opinion nor even the charge of injustice I made in the President's office.

Dr. Kingsbury's letter which states charges against me reads as follows: "The following are reasons why I have decided not to nominate you for re-employment: I am convinced that you have spoken about the University before your classes in a depreciatory way, and that you have also spoken in a very uncomplimentary way about the administration."

But perhaps there are other charges, for the letter reads: "The following are reasons," not "the reasons."

And, by the way, this letter dated March 15, 1915, was not handed to me until the morning of the 17th, the day of the meeting of the Board of Regents and too late for me to prepare myself for the supposed investigation, although I had respectfully requested the statement in a letter mailed either March 2 or March 3, 1915. And my request for an opportunity to explain my position, which I had mailed at the University on March 5, was not granted until the 17th.

To be sure, I have criticised the President, but criticism has been made privately and never until now publicly, so far as I can recall. Not to notice the omission of the apostrophe in the phrase "President's Office" as it appears on a certain letter-head used at the University of Utah, would imply lack of scholarship, and the failure to call attention to the error privately would mean either extreme reticence or morbid angelicalness, neither of which I can condone in a teacher who is actually alive.

In many discussions coming from the above mentioned study of "Realien," I have criticised existing conditions of many kinds here and elsewhere. Once I attempted to refute a statement made in public at the University by a member of the Board of Regents to the effect that the plan on which Salt Lake City was laid out had proved itself to be the very best to be found. Due honor to the pioneers is never withheld by me; but modern city builders are, I believe, decidedly in favor of the circular, radiating system.

But such talks, even when prompted by oral or written declarations of persons, have always been, in my classes, of an impersonal nature. They have started from concrete cases. It is not only unpedagogical but also very unwise to deal with abstract examples when the concrete instances are near at hand. If such teaching is "uncomplimentary" to the administration, I am sorry for the administration.

On the other hand, I have in many instances defended and praised Dr. Kingsbury both privately and publicly, in classes and elsewhere. Until this alleged "breach" our relations have been in general, so far as I know, friendly and pleasant. And I refuse even now to consider myself a personal enemy to Dr. Kingsbury. Never have I conspired against him. Nor have I ever had any

knowledge of a conspiracy to remove him, although I have heard vague rumors to that effect.

So far as I know, or knew, I had no direct connection with the offending speech delivered by Mr. Milton H. Sevy, June 3, 1914. Mr. Sevy was, however, under my instruction in German for a time, and occasionally came into my office during his senior year to talk over matters of current interest; I recall especially one long conversation between us about fraternities. I do not remember any specific political discussion.

Shortly after the attempt by students to hold a democratic rally on the campus in November, 1914, several members of a class asked me, between recitations I believe it was, what I thought about the President's attitude in the matter. I replied that it seemed to me the rally should have been allowed, in view of the fact that it was being held in an orderly manner during the "noon hour," but that I did not know what the Utah laws had to say about politics in the University. I furthermore cautioned students about being hasty in their judgment of the President and his action, adding that he probably knew just what he was doing. Later I told one of the prime movers in the matter that I saw no reason why students should be kept from a legitimate and proper practice of activities for which they were preparing themselves in theory.

In departmental matters I have frequently differed from Dr. Kingsbury. I am a specialist; if in any institution I did not know more about my "pet field" than the president of that institution, unless he too were a specialist in the same field and kept up his research, I should be ashamed of myself and look to my laurels.

I have also opposed the "policy" which regulated the number of teachers by the plans of the President of the University and not by the number of students to be helped. Universities should serve students, and not the whims and plans of presidents and teachers.

Another "policy" I have fought is that of keeping Germanics and Romance in one department. Such a practice is as unsound as would be a union of Physics and Chemistry.

All the reasons I have suggested as possible causes for the severance of my connection with the University of Utah seem petty enough. They are, in my judgment, common and unavoidable incidents in university circles everywhere.

My private opinion has been for a long time that there are too many men and women trying to build up the University of Utah who do not know well either from experience or theory what a university really is or ought to be.

The trouble at the University is seemingly administrative. If there is any connection between the administration and politics, the question becomes at once more intricate, for some people give credence to the belief that religion and politics are not separate in Utah. And if the matter is so complex, the condition is indeed very much to be deplored, for the history of civilization has shown conclusively, I believe, that politics and religious creeds do not mix well with educational systems.

Statement by Phil C. Bing.

There can be no doubt that the unfortunate affair at the University of Utah was precipitated by the crass stupidity of the administration. This stupidity has been manifest for some years, but the various deans and members of the faculty have borne with it until it became unendurable and the stand had to be taken. President Kingsbury and some of his associates have conducted the administration wholly as one of compromise. Such a thing as frankness has been as utterly foreign to their policy as has efficiency. Changes have been made in departments without consultation either with the dean or with the heads of the departments involved. Explanation, when it was possible to get it at all, has been a most bungling process of shifting responsibility. The whole administrative policy has exhibited a tendency to evade and to avoid typical of certain business ventures which are afraid of coming into the light because of some irregularity in their operation. In the case of two of the instructors dismissed recently, the President has given out three widely different reasons for his action. Which is correct? Is any correct? That is what the public cannot learn.

Despite the cry of certain apologists of the administration that the public owns the University and must stand by the President and the Regents, the fact remains that there are many things which the public would like to know and which the authorities dare not reveal. One thing which all who are interested would like to discover is: "What is the power behind the administration?" Who is responsible for the system of petty espionage and idle gossip which centers in the President's office, the system which fifteen of the strongest men in the University have found intolerable. Also, what is responsible for the presence on the faculty of instructors who would not be eligible to teach in the high schools of some of our states? It is a significant fact that these incompetents are hand-in-glove with the administration, recognizing the fact that if a clean, honest college administration were instituted, they would be sent packing. So long as conditions like these prevail, any soothing utterance of the President or of the official spokesman

of Board of Regents will not satisfy thinking people who have an interest in the University. "Fine words butter no parsnips" and that part of the public which is not officially discouraged from thinking individually will not accept such paltry ineptitudes as have been issued by the administration and its apologists.

Statement by C. W. Snow.

My version of the University disturbance differs from that of many other interested persons in that I believe the crisis is a perfectly normal outgrowth of University conditions.

The University faculty has struggled along with efficient, scholarly, and public spirited members on the one hand, and with inefficient, unscholarly, and publicly indifferent members on the other. One group has stood staunchly for true University aims and ideals; the other has conceived of a University as nothing more or less than an overgrown preparatory school. One group has stood instinctively for the utmost freedom of thought and expression; the other has perhaps just as instinctively, because of the subtle influences of local conditions, stood for the covering up and repression of any rebellious social or sociological ideas.

It was inevitable that this condition at our state University could not continue indefinitely. The clash of these opposing groups had to come. One or the other had to prevail. A big free University or a little circumscribed academy had to be the outcome.

The administration deliberately took a compromise stand. It wanted progress, but it wanted progress without rebels. It refused to see that the rebels in society are the men who bring society's advancement. Its great ambition was to conduct a university in such a way that it would offend nobody. As the spokesman of the Board of Regents said at the Commercial Club, the administration preferred a faculty of mediocre men who were harmonious to a faculty of brilliant men who were inharmonious. In other words, the faculty that is too dull to stir up anything or anybody is the faculty wanted by the administration of the University of Utah. It is the administration's decision for undisturbed harmony and innocuous mediocrity that has left the University just where it is today.

There are two solutions. One is to let the reactionary forces have the University bag and baggage, and to let the world know just what manner of institution Utah is—an institution preferring mediocre men to first class men, and an institution that will eject men of university calibre in order to make positions for men of preparatory school calibre.

The other solution is to grant that the hour has come in Utah for a great, free, untrammeled University. With this as a premise the University should select a new administrative head. President Kingsbury has probably been the best compromise president that Utah could have secured to guide the University through the troubled waters of the past twenty years. His labors should be rewarded. He should either be kept as nominal head for the the next two years or else made President Emeritus. President Kingsbury's successor should have free rein. He should be permitted to dismiss every unscholarly, inefficient man on the faculty. He should be a man whose judgment is above suspicion; and he should reassure the people who are today doubtful of the University by promising them a complete reorganization of their greatest educational institution.

Statement by A. A. Knowlton.

The immediate cause of the trouble at the University of Utah was the arbitrary action of President Kingsbury in dismissing four members of the faculty and reducing the rank of two others without the assignment of sufficient reasons. Indeed, in the beginning, no reasons whatever were given, the men being told merely that the action was taken for the good of the University and that no further information could be given. In my own case this answer was persisted in throughout the interview of February 25, even though I pointed out the very grave injustice of such a course.

An attempt on Saturday, February 27, to get from members of the Board of Regents any information as to the cause of the action, failed. To the request made at that time by Professor Wise and myself that the board conduct an investigation, one member replied that of course we might petition the board, but that the board would probably not take any action in the matter. Evidently this man knew whereof he spoke.

In the Sunday papers of February 28th there appeared an interview with Secretary Allen, who spoke as the mouthpiece of the Regents. In this interview it was stated that Secretary Allen thought the action was taken because of a conspiracy against the President. This was, I believe, the first charge of any sort made by the President or those associated with him. On Monday, March 1st, the President told me verbally that I had been dismissed because I had spoken very disrespectfully of the chairman of the Board of Regents and that he also thought I had been working against him. These two charges were repeated in writing on March 17th. The charge of disrespect to the chairman of the Board of Regents has been made specific and is that on certain occasions in private conversation, I said,

"Isn't it too bad that we have a man like that as chairman of the Board of Regents," or words to that effect. It has been specifically denied that there was any objection to the **form** of the remark. The action of the President and Regents upon this charge means that a man is denied the right to express in courteous language and in private conversation an unfavorable opinion of a member of the Board of Regents. One of the charges made against Professor Wise was that he had spoken slightingly of the administration, presumably meaning the President.

In their public statement the Regents give these as reasons for their action and at the same time declare that the right of free speech exists at the University! Even they seem to have perceived the inconsistency, for they were careful to modify their assertion that the right of free speech exists by pointing out the club held over the head of the man who exercises that right. What a cartoon Homer Davenport would draw on this theme. Imagine the worried, cowering figure of the Professor, the surly giant towering above with gnarled club uplifted and the legend—"Speak your mind freely."

The second charge made against me was that I had worked against the President. This obviously invaded a question of fact. No specific statements as to what was meant by the general charge have ever been made to me by the President. In response to my very urgent request that I be brought face to face with the person or persons responsible for his opinion, he replied: "I don't think I could do that." By his action he refused to investigate when evidence was offered that instead of working against him, I had been his defender. From the beginning it has been evident that he was not open to conviction upon this matter. He had listened to the malicious slanders of persons who have not to the present time dared assume individual responsibility for their statements until, with his mind poisoned by the insidious influence of suggestion, he ceased to be amenable to reason. No specific charges have been made because there are none to make which will for a moment stand the light of an honest investigation.

Reply of W. W. Riter.

March 24, 1915.

James H. Wolfe, Esq.,
Managing Editor of The Utah Survey,
1109 Boston Building, City.

Dear Sir:—Answering yours of March 16th, herewith find statement of the Board of Regents given to the public March 17, 1915, which in a very succinct manner, I think, covers the information you ask for, with the exception of your inquiry concerning the change

of location of the office of Professor Reynolds. He has been absent for some time and I have not been able to get his version of the matter, but I am informed that the change was made with his concurrence, the object being to bring his office closer to his class rooms.

Respectfully yours,

W. W. RITER.

THE UNIVERSITY DIFFICULTY.

By Paul Jones.

Events have moved and are moving so rapidly in the University situation that it would be valueless to give a review of the various incidents that have transpired, for many of the steps that were taken lost their significance when the next move was made. It is possible, however, to point out the issues that have developed and indicate the principles that are at stake. That is a very necessary thing at this time when the sides have been so sharply taken that partisans on each side are hurting their respective causes by an excess of zeal.

The Utah Survey feels that whatever the question may have been in the beginning it has now become one of concern to all the people of the State. Family quarrels cease to be family quarrels when they are conducted in public and the names of the neighbors are brought in. Whatever may have been the original difficulty between President Kingsbury and the professors that were dismissed and demoted and whatever opinion may have been held as to the President's rights and duty in the matter, now that more than sixteen of the leading members of the faculty have resigned, the legislature has been appealed to, the Regents have been memorialized, the Governor's name has been brought into it, the church question has been hinted at, the city clubs have held mass meetings and the alumni have taken action, it can no longer be considered as simply a family quarrel to be hushed up as quickly as possible. The good name of the State University has been brought into question in a public way, and the only thing which will restore the confidence of the people is such an investigation as will show clearly that conditions are all right at the University, or will pave the way for making them right.

There are other elements in the controversy that deserve consideration. One of the most serious indictments that can be brought against the Board of Regents is that they have no conception of what loyalty to the University means, and yet they feel competent to pass upon the loyalty of the professors who were dismissed. Mr. Van Cott, speaking for the Regents, at the meeting held at the Commercial Club on March

24th, said that it was not only the right but the duty of a professor to leave the University when he could better himself materially elsewhere. In saying that Mr. Van Cott betrayed his ignorance of the whole subject of University loyalty. If he does not know that many of the University faculty have declined flattering offers to go elsewhere because they loved the institution or because they wanted to stay and bring their department up to a higher state of development, and if he does not value that kind of loyalty, he is in a very anomalous position. It is that loyalty which has built up all our American universities, the loyalty of men who were willing to sacrifice material gains for an ideal they had in mind and yet the Board of Regents has no use for that kind of loyalty, if Mr. Van Cott speaks for them correctly. They would expect a professor to leave the moment he could get a dollar more somewhere else. It is no wonder, then, that they and the President cannot understand how a man can criticise the institution and its officers and still be loyal to it. They would expect him to leave when his year was up. But that a man could really love the institution so that he would want to criticize it and change it, and be willing to stay with it even when the hoped-for changes did not come, is something the Regents cannot understand. Their own confession is the most serious indictment of the Board.

The real question that is back of the whole situation at the University is one which it is more difficult to indicate clearly. Let it be said, however, that there is a real question which is infinitely greater than the "irreparable breach" between the President and two professors. Men of judgment and experience, some of them with many years of faithful service behind them in the University, do not resign and lightly give up their livelihood unless there is a sufficient reason. It will be worth while to try to locate that reason. In the various statements that have been made to the public by the professors who have been dismissed and who have resigned, a great many reasons have been given why they felt it necessary to take that action. Taken separately the reasons given seem comparatively insignificant; a matter of feeling here, a misunderstanding there, a suspicion of something in this direction, an indication of a certain influence in that; and some of the newspapers as well as the Board of Regents have, therefore, assumed that there is nothing worth looking into, that it is a mere tempest in a teapot.

It is only necessary to remember again that more than sixteen men have voluntarily given up their positions on account of the conditions that they feel exist, and one will

not be temped to be satisfied with the ostrich's method of escaping a threatening danger. What is the trouble? If all the various instances of repression, suspicion and interference be put together, they make a formidable appearance. It would appear that certain political and commercial interests in the State have been afraid of the University and have, therefore, in one indirect way or another, through one man or another, been trying to discourage any action or expression on the part of the faculty or students inimical to their interests. No doubt the President deplores the condition as much as any one, but he has to do as he is told, and in addition he has to take the blame. As for the church question, the Regents are probably right in saying that it has not come into any action of the Board; but in so far as the church is tied up with political and commercial interests which have a bearing on the University, it does come into the question. As is well known, but seldom mentioned, politics, finance and organized religion form a powerful trinity in Utah which touches almost every question of public welfare. It may well be the reason why much legislation, that anywhere else would have been adopted, here failed to get the votes or the Governor's signature. And that trinity is what is back of the present difficulty. The members of the faculty depend on the President for their appointment, the President depends on the Board of Regents for his election, the members of the Board depend on the Governor for their appointment, and the Governor depends on the trinity of political, financial and church interests for his election. When that trinity wants anything done the wheels begin to move and results follow, as has been shown in the continued acts of petty repression that have called forth the resentment of the resigning members of the faculty. In making such a statement of the forces back of the University trouble it should be understood that that influence is brought to bear only in the most indirect way. Some one high up, perhaps, expresses his opinion as to certain things that indirectly touch the University, the word is passed along, and those who realize that their position depends upon the favor of the men who are powerful in the State take very good care to carry things out in accordance with the expressed opinion. It is often true, too, that men will do things on their own responsibility which they think may be in accord with the wishes of the powerful, even though the word has not been spoken. It seems to be quite evident that those in authority at the University either knew or supposed that Democratic activity, that discussion of the Public Utilities bill, criticism of the State, etc., would be displeasing to certain interests that might have some say in the school affairs, and as a result those things

were discouraged. It is probable that there has never been any direct interference in University affairs on the part of political, financial, or religious interests; but because they are always hovering in the background, their influence has been sufficient to guide the action of timorous members of the University administration. It is probable, too, that an investigation would not be able to establish the connection of any political, financial or church interest with the University; but it would have the effect of letting those in charge know that the people were back of them, that they need not be in fear and trembling lest some interest be offended, and that they could really consult the best interests of the University. Such an investigation would clear the air wonderfully, and would give the University a chance to become free from the petty dealings that have injured it in recent years. It is the one way out of the present difficulty.

THE LEGISLATURE—A REVIEW.

By James H. Wolfe.

(Part One.)

The Eleventh Session of the Utah State Legislature adjourned, according to its own records, on Thursday, March 11th, 1915, at 11:55 A. M. While it showed the growth of the progressive element over past legislatures and while it seemed to be nearer to consummating progressive measures than ever before, its work cannot be said to be of a very high order. Many of the bills introduced were of such a sort as the executive head of a department or the president of a corporation might promulgate with the stroke of a pen after thinking over the matter on his way down to the office in the morning. As to the lobbying, trading, bargaining and influences at work, we here say nothing. To reveal that is not now our task. We here consider the work of this session. Our review, even confining ourselves to the briefest critical comment, will necessarily be lengthy. We shall omit the consideration of all bills dealing with purely financial or commercial matters; all bills of a purely administrative cast; all bills of a strictly regulative nature; all bills pertaining to irrigation, taxation and appropriation, and confine ourselves to only those bills dealing constructively or partly so, with moral, social, civic, socio-industrial, socio-economic and political subjects.

The following scheme will be adopted in the presentation: We shall first comment on those measures which have become law; secondly, those which passed the legislature but which were disapproved by the Governor; thirdly, those which were introduced but failed to pass. In all three classes we shall separate the Senate from

the House bills, and we shall consider them in order of their numbers except where bills deal with the same topic, in which case we may group them.

Comment and criticism of the bills is not meant to reach the introducer. His name is mentioned as part of the identification of the bill. We well realize that representatives, in the stress of legislative work, introduce measures with which they are not familiar and for which they should not be asked to assume responsibility. Placing the responsibility for a bill and the motive behind the same are matters we are not now concerned with. Senate bills are denoted, "S. B.," House bills, "H. B."

I. Bills Enacted Into Laws.

Of the 252 bills originating in the Senate, 69 were enacted into laws.

Of the 262 bills originating in the House, 46 were enacted into laws.

(a) Senate Bills.

S. B. 26—Rideout: Empowered and made it the duty of counties containing a population of over 100,000 to provide $20,000 for the partial support of mothers who are dependent upon their own efforts for the maintenance of their children. The principle of widowed mother's allowance is in strong debate at the present time. Granted correct in principle, this sum is not too large. The original act of 1911, a section of which this is an amendment, called for a maximum of $10,000 for each year from each county. In Salt Lake county this sum was soon exhausted.

S. B. 33—Chez Appropriated funds to the extent of $2,500 for farm and home demonstrations in various counties of the State under the auspices of the Agricultural College. This is in line with the extension work now being done in many states and brought to a high state of efficiency in Wisconsin.

S. B. 35—Cottrell: Appropriated $4,000 for Salt Lake Free Kindergarten and Neighborhood House Association.

S. B. 46—Craig: Prescribed regulations under which certain commodities may be sold. Last year The Utah Survey made a fight for an honest pound of butter. Section 23 of this act makes it unlawful to "put up, pack, or keep for the purpose of sale, offer or expose for sale, or sell any renovated or process butter in the form of bricks, prints or rolls in any other" than sizes of ¼ pound, ½ pound, 1 pound, 1½ pounds or multiples thereof. We fear there is a joker in this bill. The designated sizes may not necessarily contain that much net weight. The present packages of about 15 ounces are in common parlance called **pound sizes.**. However, the butter men are now giving 16 ounces net.

S. B. 54—Rideout: Authorizes the incorporation of Land Mortgage Banks. This is a move in the right direction. It allows farmers to co-operate and by syndicating their assets, assist each other in borrowing on farm mortgages at a reasonable rate of interest. The Utah farmer is compelled to pay high rates of interest, as high as 12 per cent per annum on gilt edge security.

S. B. 69—Rideout: This is a twin bill to the preceding. It authorizes incorporation of co-operative banks. This is surely a step in the right direction. Under this principle labor unions, the workman at Garfield and Bingham, farmers in agricultural communities, may co-operate in financing their loans by pooling their savings. At present working men place their savings in a large bank where it is impossible for the working man of steady habits to borrow in case of emergency. Large banks do not loan to the working class. Banks of the nature specified in this act would help to eliminate the loan shark.

S. B. 93—Funk: This act makes it unlawful to deliver, sell or solicit orders, deliver or consign intoxicating liquors to any one in dry territory. The act is good as far as it goes. It is generally thought that the act makes a violation thereof a felony. This is not true, as it provides for alternative imprisonment in the **county jail.** Offenses punishable by committment in the State penitentiary are felonies.

S. B. 119—Thornley: Amends the present Child Labor Law so as to prohibit children under 14 to work in, about or in connection with any cigar stand, or place where tobaccos are sold at wholesale or retail or any poolroom. Sometime the legislature will enact the child labor law recommended by the National Child Labor Committee. The writer drew a bill founded on the standard bill. It was introduced in the tenth session of the Utah legislature. It was again introduced by Mr. Wight at this session. (See S. B. No. 90), but failed to pass. The bill has been carefully considered and modified where Utah conditions demand. While our child labor problem is not serious it is well that we prepare for the time when our coal and iron industries will be in full glow. It is far better that capital know the conditions under which it may invest before investing, than afterwards.

S. B. 135—Hansen: Authorizes the Governor to convey a right-of-way to the D. & R. G. Railroad Company over the State prison grounds. No compensation for this right is mentioned.

S. B. 136—Hansen: Authorizes Governor to convey to M. S. Browning, of Ogden, a right-of-way over the lands of the State Industrial School for an electrical

transmission line. No compensation for this right-of-way is mentioned as a condition of the grant.

S. B. 193—Hansen: Authorizes Governor to convey a right-of-way over grounds of Utah School for the Deaf to Utah Power & Light Company for electric power transmission line. No compensation in return is provided for.

S. B. 145—Eckersley: Creates an educational code commission to make a careful study of the organization of the present public school system of the State, including present school law, and to investigate the present needs of the State as to educational organizations and to confer with educational experts in this and other states. A commission in New York state recently reported along these same lines with notable educative and legislative results.

S. B. 167—Hansen: Amends the present law pertaining to county mutual fire insurance companies by making the effectiveness of policies conditioned on the writing of $100,000 of insurance on the books of the company.

S. B. 183 and 184—Funk: Requires persons, firms and corporations dealing in trading stamps to establish an office within the State, appoint a process attorney and file a bond and levies a tax upon the sale, transfer, issue or delivery of trading stamps. The constitutionality of these acts, especially the second, is in slight doubt. Obviously the import of the act is to drive the trading stamp business from the State of Utah. Many people will admit that it has become a nuisance and a delusion, especially to people with the trading stamp mania, but whether the power of taxation includes the power of virtual abolition is questionable.

S. B. 194—Wight: Creates a commission of three persons "to investigate the subject of the public provision for the care, custody, treatment and training of the mentally deficient, including epileptics." This bill followed the agitation begun by Mr. G. Snow Gibbs for a State Institution for Feeble Minded. (See Utah Survey, March, 1915.) The benefits of the act are apparent.

S. B. 206—Rideout: Creates two justices of the peace in precincts containing over 40,000 population and places the compensation of these justices on a salary, instead of a fee, basis. While the latter idea is sound, the bill is faultily drawn and its constitutionality is in doubt. Instead of creating more justices of the peace, which is a step back to the time when Salt Lake City had five justices, it would have been far better to enlarge the city court and create another division with another judge at the head. This would have been in line with the best

thought on this subject as exemplified by cities like Chicago, New York and Philadelphia, where the need of more inferior courts is supplied by increasing the divisions of the municipal or magistrates court, as the case may be.

S. B. 212—Craig: Appropriates $500 for the Mother's Society of Ogden, to assist in its purpose of founding and maintaining homes for the benefit of destitute children.

S. B. 215—Judicial Committee: Makes services rendered in criminal prosecutions at request of District or County Attorney a valid claim against county in which such prosecutions were had, and makes it retroactive to January 1st, 1913. This means that a claim for the services of Mr. Leatherwood in the Blackmail case at Ogden may be collected.

S. B. 245—Rideout. Governor authorized to appoint a commission to make inquiry into the subject of workmen's compensation and laws pertaining thereto and to report to the next legislature. This bill was introduced after it was seen that S. B. No. 40 (See infra) was defective and would fail of passage. In the subject of workmen's compensation and employee's liability, it is of the utmost importance that the law be founded on wide and accurate knowledge. The bills introduced up to this time have given indication that this knowledge was not possessed.

(b) House Bills Signed.

H. B. 14—Shields: Provides for qualifications of applicants for admission to the Bar. The first thing which strikes one about this sort of legislation is that it belongs to that class which should emanate from a standing committee of the Bar Association, not from the legislature. The act is an example of the kind of legislation we do not desire to see. It requires graduates from other law schools to take an examination whilst graduates of the University of Utah are admitted without examination. This is another one of those unjustifiable discriminations in favor of home products.

H. B. 41—Morris: Prohibits, with stringent punishment, the delivery to any convict and the depositing where the same may be procured by convicts, of certain weapons or poisons or drugs.

H. B. 43—Wolstenholme: A very drastic law directed against the receiving of any of the profits arising from prostitution and enlarging the definition of panlering. This law seems to be carefully drawn to cover many of the cases occurring in Salt Lake City. It prescribes severe penalties for sending, directing, taking or conveying any woman to any room or other place

for the purpose of prostitution. It applies to clerks of hotels, drivers of cabs and hacks and chauffeurs. It covers the case of restaurant keepers and waiters knowingly allowing soliciting to go on in the place of business. It covers the case of rooming house keepers knowingly renting rooms for purpose of prostitution or knowingly permitting it to go on in the rooms or house.

H. B. 79—Shields: Regulates the sale and use of poisons and repeals Chapter 2 of Title 62, Compiled Laws of Utah, 1907, and amendments thereto. This act classifies poisons and drugs into two schedules and surrounds the retail handling of drugs in each class with certain rules and regulations.

H. B. 102—Judiciary Committee: Makes certain changes in the criminal code. The bill, we understand, was drawn by the Committee on Legislation of the Utah Bar Association.

H. B. 114—Committee on Revenue and Taxation: This is a long bill with a title in proportion. It amends Section 2593, Compiled Laws of Utah, 1907, relating to the levy and lien for taxes for county purposes. It amends a number of other sections. It abolishes the county taxes for school purposes and merges it in the state tax. The practical working out of this feature of the bill will most likely mean that Salt Lake and Weber counties will pay more toward the schooling of the children in the outlying counties. The bill covers so many different classes of taxes that it is impossible adequately to analyze it in this article.

H. B. 128—Educational Committee: This bill makes certain changes in the sections pertaining to the organization of County School Districts of the first class. The bill is too comprehensive to allow of comment in this article.

H. B. 183—Hayward: Amends Sections 2098x1-2098x2, Compiled Laws of Utah, 1907, as amended by the Session Laws of 1909, so as to enlarge the governing board of the Utah Art Institution to five members, each to serve for a term of two years. The original law prescribed a board of seven members. This was reduced to three in 1909, and is now raised to five. Two of these governors are to be **competent artists** and they are to be appointed by the Governor. This is rather an indefinite qualification, but we suppose that those who are appointed at least will believe they are qualified. The Institution is given funds to defray expenses of lecturing and of exhibiting. Many of us could well afford to pay more attention to its work and lend it support.

H. B. 213—Wolstenholme: This is known as the six o'clock closing law. It provides "that all mercantile and commercial houses, either wholesale or retail

or both, in cities of 10,000 population or over, shall close at six o'clock in the evening of every business day of the year." The act exempts all commercial and mercantile houses that deal exclusively or in major part in foodstuffs or provisions of a perishable nature. It exempts drug stores. It also exempts the six-day period before Christmas. If the bill had compelled closing on the six days before Christmas at six o'clock we could see some point in it. However, it will not last long under an attack against its constitutionality, for no law has yet gone so far as to compel men to stop doing business at a certain hour. (Saloons, of course, excepted.) The next step would be to compel the people, like the writer of this article, to lay down their pens at six p. m.

H. B. 231—Committee on Education: Enlarges the State Board of ducation from five to nine persons.

II. Bills Disapproved by the Governor.

(a) Senate Bills.

S. B. 50—Wootton: The veto of the prohibition bill is discussed elsewhere in The Utah Survey.

S. B. 80: Provided that freight charges should be made on weight of coal at destination. There is loss in transit in the weight of coal due to stealing and dropping. In certain cases we presume the coal, when first loaded may be wet. The shipper feels that he should not pay for moisture which the railroad does not haul. This is a question, the decision of which should be based on proper consideration. It again shows the need of a Public Utilities Commission. Such matters should not be for the legislature.

S. B. 85—Wight: Provided a fund for benefit of injured or disabled firemen and dependents of deceased firemen. Bill did not specify what relatives or that the fireman must be injured or killed in the performance of his duty. The money for the fund was to be supplied by segregating one-fourth of the moneys coming to the State from fire and lightning insurance premiums.

S. B. 92—Rideout: This bill sought to inaugurate what is known as the Torrens system. It has been introduced in many states, including New York.

S. B. 117—Thornley: Created a State Live Stock and Sanitary Board to take the place of the State Inspector of Live Stock. The powers of this board were more comprehensive than those of the Inspector. The animal industry is an important one in Utah. It is a business which should be under strict control and regulation and any measure which would correlate all of the phases of regulation under one bureau should be made law.

(b) House Bills.

H. B. 9—Shields: The Initiative and Referendum bill is sadly needed in this State. If it is sound in principle it certainly should be put in force in Utah. Our State Constitution calls for a law to effectuate Section I, Article VI. Every legislature so far has failed to do its duty in this respect.

H. B. 101—Judiciary Committee: This bill amended radically portions of the civil code of the Compiled Statutes. We understand it was carefully drawn by the Legislative Committee of the Utah Bar Association. It simplified court practice greatly—perhaps too much. We think the Governor should have signed this bill.

H. B. 124—Brinkerhoff: Amended Sections 734 and 746x23, Compiled Laws and amendments thereto relating to adulterated or misbranded foods, drugs, drinks or confections and made the tests adopted by U. S. Department of Agriculture the standards in this State. We do not see why this bill, aimed to make more definite the standards of purity, was not signed. Measures such as these are exceedingly important to the people who are in no position to protect themselves against adulterations.

H. B. 159—Burton: Allowed counties to pledge their credit to meet current expenses for fiscal year in anticipation of tax receipts. The taxes, coming in toward the latter end of the year, put the county to great inconvenience in meeting the current expenses. We understand that the bill was drawn by the County Attorney of Salt Lake county, to cover this situation. The Governor's reasons for vetoing it seemed inadequate. He expressed himself that the law already gave counties sufficient power to do this. It would not have done harm to make the power certain.

H. B. 200—Folkman: An act to provide in part for the payment of expenses necessarily incurred by the Ogden Tabernacle Choir in appearing before certain expositions during the summer of 1915. This bill should have been vetoed. Every sectarian choir in the State may have as much claim to appropriations.

All but six of the other House bills vetoed were special appropriation bills.

(To be concluded.)

Dr J E Talmage
Vermont Blvd

CJ

THE UTAH SURVEY

A Magazine Devoted to

Social and Civic Questions

VOLUME 2 NUMBER 6

EDITORIALS

BEHIND THE SCENES
IN THE SENATE
By George H. Dern

THE LEGISLATURE—A REVIEW
By James H. Wolfe
(Part Two)

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S. O. S.

The Utah Survey is supported solely by subscriptions and contributions. It has difficulty making ends meet because it is incidentally in the business of making people slightly uncomfortable. Think how you would feel if The Survey were to cease coming to your home! How quick our addressees notify us when their copies miscarry—provided they have already paid their dollar. We would foster the same hearty or pockety interest in all. Hitherto we have been rather delicate about asking for subscriptions, but "necessity knows no law" or politeness, and we now make so bold as to request that you send us a dollar at once. We are rather ashamed to confess, but we need it.

THE SALT LAKE MUNICIPAL RECORD.

There is published monthly by the City of Salt Lake the Salt Lake Municipal Record. Occasionally a citizen with an abnormal sense of his civic responsibilities is caught reading it. The Record purports to inform taxpayers about the work and progress of the city; it contains neat data about our growth and fulfills the legal requirement for a printed statement of municipal receipts and expenditures. Perhaps the greatest value of the Record is to hush those who would otherwise be accusing the administration of suppressing information—for surely no one really cares about what the city is doing! If the Record would devote some of its pages to what the city is not doing it would have a marvelous circulation. Possibly the editor of the Record will take kindly to this suggestion. Seriously speaking, the Salt Lake Municipal Record is well worth while. It is well gotten up, well edited, and contains much information of value. We think it should be far more widely read; but an intimate acquaintanceship with another monthly magazine we have in mind gives us hope that the Salt Lake Municipal Record will, by dint of persistency, enlarge the "dent" it has already made.

CHILD LABOR.

The newspapers announced and reported the holding of a Child Welfare Exhibit in the ball room of the Newhouse Hotel on May 25th and 26th. Salt Lake did not fully take advantage of this opportunity to have its conscience agitated by this display under the charge of Miss Josephine A. Eschenbrennen, the membership secretary of the National Child Labor Committee. The women's organizations of Salt Lake City, under whose auspices the exhibition was held, may rest content in having done their part to bring home to the people the awfulness of this evil of child labor. Perhaps Salt Lake thought that it was too free from the evil of child exploitation to concern itself; perhaps certain spots of Salt Lake felt that it could sleep easier if the awfulness of this form of greed were not brought too vividly before it; perhaps the lack of attendance might be ascribed to inclement weather (oh! for a little of that Puritan hardihood which made people do their duty despite snowstorms and cold churches); or perhaps we may place it to that surprising apathy which is sometimes encountered here toward the real important reforms of the day.

The task is to reach those who did not come rather than those who did. If people can be made to think of this form of child slavery at all there is only one conclusion to which they can come.

While the exhibit was in progress Salt Lake had the pleasure and privilege of hearing Dr. Felix Adler, a profound scholar and earnest social worker, talk on the work and aspirations of the National Child Labor Committee, to which convention, as president, he was on his way. This opportunity was better availed of. To those who feel that Utah, not being a manufacturing state, need not bother about child labor, Dr. Adler happily replied that it was a matter of "quarantining" ourselves against the evil.

Those who were unable to attend the exhibit and enroll themselves as members of the Child Labor Committee still have the opportunity to aid in this work of the emancipation of the child by sending two dollars to Mrs. Elizabeth M. Cohen, at No. 648 South Second East Street, or to Mrs. John Malick, at No. 341 East Second South Street, Salt Lake City, Utah. The subscription entitles one to the Child Labor Bulletins issued by the National Committee. It is to this work what a contribution was, in abolitionist times, to the work of the emancipation of the Negro.

WOMAN'S PEACE PARTY.

The formation of a local branch of the Woman's Peace Party, in this city, confirms the significance of this latest feminine movement and deserves hearty commendation, both for the spirit in which it has been organized and for the principles which the party enunciates. The national organization was first effected in Washington, D. C., last January, when more than 3,000 women assembled for that purpose. Brought into existence by the war now being waged abroad, the party declares that "as women we feel a peculiar moral passion of revolt against both the cruelty and the waste of war," and as a result of maternal and domestic instincts, demand that women's "right to be considered in the settlement of questions concerning not alone the life of individuals but of nations be recognized and respected." Upon these declarations a broad platform, aiming at an endeavor to promote every means for a speedy and lasting peace, has been drawn up; Jane Addams has been elected president, and Hull House, Chicago, has been designated the national headquarters.

There was a time when one might have looked with a superior amusement on any feminine organization which seemed to depart from what has been called "woman's sphere." Yet invariably women have demonstrated a peculiar ability when acting upon a specific problem. We believe that if the present movement does no more than instill in the younger generation a firm belief in the love and in the wisdom of peace, it will have accomplished a worthy and notable end. The fine idealism that lies within women's power may be of inestimable worth and of immeasureable influence upon the practical business life of a nation's citizens and indirectly upon the nation itself. We feel that the movement deserves every thoughtful person's cordial endorsement and generous support.

UNEMPLOYMENT—ACT NOW.

The other day a man fainted on the streets of Salt Lake from hunger due to unemployment. He was not a vagabond. He had been a steady worker and was willing to work at the time.

Late last fall the Ketchel family—the parents and five children—were found destitute and starving in a miserable room on the west side—due to lack of work.

Must we need such instances to point our attention to the problem of unemployment? Every winter we see the consequences of unemployment in an aggravated form and during business depressions it grows terrible.

John Haynes Holmes, writing most ably in The Survey, says the simple answer to unemployment is employ-

ment. He calls our attention to the fact that our energies (the little we devote) were applied during the past winter to "establishing bread lines and organizing 'bundle-days,' paying rents, making odd jobs," instead of any attempt to employ the unemployed on any extensive scale." Mr. Holmes goes on to say: "All of which means what? Simply this: That the great American public is still in the antedeluvian economic era of regarding unemployment as an emergency to be tided over, and not as a permanent social ill to be cured and thus abolished, by adequate social remedies. We handle unemployment as we handle a fire or a flood. Nay, not so well! We learn something from fire and flood in the form of fire-proof buildings and scientifically constructed waterways, whereas from unemployment we learn nothing!"

"When will New York regard its problem of unemployment exactly as it regarded its problem of subway transportation, and give to its solution the same systematic study, the same appropriations of millions of public funds, and the same concentration of stupendous public energies? When will the nation look upon this question as it looks upon questions of tariff, banking, military preparedness, and build up the same system of scientific legislation in the one case as in the others? Few things in our political life today are for a moment comparable to this phenomena of unemployment as a problem for constructive and beneficent statesmanship—and yet few things are more persistently and nonchalantly neglected. One crisis past, we straightway forget the agony and the strain; and when the next crisis comes, meet it with the same lamentations, the same hastily organized committees, the same bungling and shameful system of charitable doles. Instead of finding the vineyard for those standing idle in the market-place, we feed them on the bread-line, huddle them in municipal lodging house, or give them a loan; pray for warm weather, and thank God when the crocuses bloom!"

So terrible is the burden of the present winter, that it is almost as hard to abstract cheer from its misery as sunshine from cucumbers. Is it too much to hope, however, that the lesson of these wretched months will be seen and learned? Are not our government agencies, together with the public mind which they express, at last shocked into an understanding of this problem and moved to a great resolve to meet it? Is it not at least possible that great, far-reaching measures, providing for nation-wide employment bureaus, unemployment insurance, national farm colonies, and careful adjustment of public works, will soon find their way to the federal statute books? If so, this at least may comfort us—that the unemployed for this one winter will not have starved, shivered and wandered homeless in our streets in vain!"

We need add nothing to this compelling language. We suppose the problem is a matter of arousing sufficient sentiment to bring into action the minds capable of contending with the problem and to back up the efforts of those minds to the extent of ensuring fruition of their labors. Before this is done we believe that there will be many more starving and shivering winters for countless men and women. And whether we like Socialism or not, we are confronted with the fact that the roots of the evil are in the present economic system.

THE POWERS OF THE GOVERNOR.

Bitter despair must, at times, creep into the hearts of those who earnestly hope and work for the welfare of Utah and its people. The factors which seem to enter and defeat the work and persistence of months and even years are so complex, so secret and so powerful, that they appear impregnably fortified.

One must be fair; one cannot indict a church or a nation because some of its members commit certain acts until one is sure that those acts really represent in effect the desires and objects of the organization or nation to which those members belong. And the knowledge which is necessary to arrive at this determination is oftentimes inaccessible and comes only by piecing together the little facts which slip out now and then over a long course of years. At the present time, if the finger can be laid anywhere with definiteness, it is on the office of Governor.

To the Governor's office seem to lead a number of threads which may be traced from Ecclesiastical Centers or from those high in authority therein, from Big Business, from Politics or from the inextricable web formed by the combination of these separate influences. From the Governor's office, again threads seem to lead out into the University, into the Legislature, into Big Business and to various individuals. The Governor's office seems to be the main ganglion of this highly intricate and complex system, a system the extent of which few are able to say and even those involved perhaps unable to measure its ramifications and interlinkings. There are wheels within wheels, groups within groups. When the office of a public official thus becomes the clearing house for the interchange of influences, the hub of a system, its power may become a menace to the rights and liberties of the people. Governor Spry belongs to that school of executives which construe its powers to take in the utmost limits of executive action and which acts clear to the border line of these limits. In an able and honest executive this is beneficial to the people; in

one whose heart is with the special interests, this is dangerous to the people.

Let us briefly review the Governor's use of some of his powers. Article VII, Section 8, of the Constitution of Utah, reads in part as follows:

"If any bill be not returned within five days after it shall have been presented to him (Sunday and the day on which he received it excepted), the same shall be a law in the manner as if he had signed it, unless the Legislature, by its final adjournment, prevent such return, **in which case it shall be filed with his objection in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law.**"

Now the last legislature adjourned leaving over 125 bills in the hands of the Governor for his action. At this time we do not seek to inquire into the terrible lack of expedition which, in a body elected to prescribe rules of conduct for nearly half a million people, resulted in clogging the closing hours of that body with innumerable bills, no one of which could be adequately considered. We are now concerned with powers of the Governor. With the most important of these 125 bills, the Governor deliberately took advantage of the constitutional provision above quoted and waited until there was no possible opportunity for the legislature to reverse his decisions. And in many cases he entirely superseded the legislature and therefore, in theory at least, the people's will.

Take the Initiative and Referendum bill. We speak now regardless of the merits of the bill or of its soundness in principle. We are considering only the reasons given by the Governor for his veto as an index of his construction and use of his constitutional powers. His reasons were in part as follows: "If the present measure becomes a law and is to be made available to the people, it will impose burdens upon them at this time **far in excess of any benefit that can be derived from the measure itself.**" (Emphasis ours.) "The expense of carrying the measure into practical effect will be so great in this State as to counteract every possible effect the people may derive from a referendum vote." Considering that the Governor, by his veto, makes the people's will a nullity, we can conceive of no greater benefit to the people than to give them an opportunity to unalterably express their will through this means. But the rather impudent part of the quoted remarks is the deliberate substitution, by the Governor, of his judgment for that of a majority of legislators. If the reasons were sufficient and convincing we could perhaps forgive this, but we feel that his real reason is to prevent the people from overruling his decisions which are so much against

their interests. And if the Governor were sincere even though in error we could forgive him, but in this we feel it is not so. Insincerity is a fearful accusation and demands a reason. Therefore, note further the reasons for the veto of the Initiative and Referendum bill. "The initiative is at this time wholly unnecessary, since the people of the State, if they desire any measure of a general nature enacted into law, may petition the legislature to have such a law passed without incurring a tithe of the expense that this bill makes necessary in order to have such a measure enacted." With the Governor's record in view this seems almost to be deliberate mockery. Six years ago an overwhelming percentage of the voters of the State petitioned for the passage of a "measure of a general nature," to-wit:—the prohibition bill then pending. **The Governor vetoed it.** This man who, with a scratch of the pen sets at naught endless petitions, calmly remarks that the people may have what they want by petitioning.

We are not, however, so much concerned with the record of Governor Spry as with deductions to be drawn from it. We are concerned with his record in so far as it reveals the use to which a Governor may put his powers.

Take the situation at the University of Utah. The Governor selects the Regents; the Regents the President, the President the Faculty. The wires that lead to the Governor lead out from him directly into the most important institution of learning in our State. Even a **presumed** knowledge of what may please or displease him **and the influences** he represents, may constitute the motive force of those in charge of the policies of the institution. Just before the legislature adjourned, Mr. Spry ignored the men and women selected by the alumni of the institution and reappointed the very men who have up to this time refused to recede one inch from the arbitrary position first taken by them. On that Board of Regents is Mr. Waldemar Van Cott, a very able lawyer, but counsel for one of the two large railway systems of Utah. Mr. Van Cott appeared before the Judiciary Committee of the Senate and strenuously opposed the Public Utilities bill. May men so representative of the large corporations of the State feel perfectly at ease when students publicly declaim on the urgent need of a Public Utilities Commission in Utah? Is there not some temptation on the part of a Governor with powerful party loyalties to see that men are appointed on the Board of Regents who will frown on any policy which permits professors to campaign or to openly express their party leanings in public? And furthermore, may not a president of the University whose position depends on these men instinctively feel that certain free-

dom of this sort will be displeasing to them and perhaps unconsciously govern his conduct and policies accordingly?

As time goes on we will more and more realize that the position of Governor in this State is the crux of many matters and that a man who has the appointive power over twenty-five public commissions and boards in our State should be the most carefully selected of individuals. And especially will this strike us as important when we think that he may be after all only a lieutenant and that his orders may come from Washington, from a United States Senator.

BEHIND THE SCENES.

In the Senate.

By George H. Dern.

I have been asked to write for The Survey an "inside" story of what happened in the State Senate during the recent session of the legislature. Being one of the minority, I am not sure that all of the "inside" history is known to me. Moreover, the things of interest that do not appear in the Senate Journal were pretty well reported in the daily newspapers, hence there is little to tell that is new. Some observations upon the most salient features of the session may, however, be permissible.

The Senate was composed of twelve Republicans, five Democrats and one Progressive, the latter being affiliated with the Democrats under the terms of the alliance made during the campaign. Division on party lines occurred only a few times, the occasions being the organization of the Senate, the Initiative and Referendum Bill, the Public Utilities Bill and the confirmation of the Governor's appointments. Even on these, except on the organization, there was some irregularity. Four Republicans voted for the Initiative and Referendum, one for the Public Utilities Bill, and two temporarily stood with the opposition in the matter of the appointments. One Democrat voted against the Public Utilities Bill, declaring it to be his belief that his constituents did not want the bill passed. Otherwise all members of the allied parties stood by their platform promises. This goes to show that, in spite of a good deal of flagrant pledge-breaking in the past, if the people want certain legislation they should see that it is demanded and promised in the party platforms. The legislator who has not made any campaign promises, and is free to act according to his own best judgment, is much more likely to succumb to the wiles of the lobbyist than the one who is under obligations to work for a certain program.

On the other hand, conventions should give more attention to their platforms, so that the members elected thereon may be sure the rank and file of the party really desire the reforms advocated in the platform. Platforms are more important than candidates, and should be considered and voted upon in the convention plank by plank, instead of being swallowed whole. Then if a legislator votes against his party pledges he will not be able to hide behind the excuse that he does not believe the people want it anyway, and that the platform is not a fair expression of the popular opinion. Undoubtedly when a platform is read with a flourish and adopted with a whoop, without a word of discussion, it is often questionable whether it really represents the deliberate judgment of the delegates. In fact, it would be a step forward if platform matters were considered and voted upon in the primaries, and the delegates given definite instructions how to vote in the convention. Ours is supposed to be a government of laws, not of men, and yet it is very rare that a primary considers anything except men. Let the people initiate the platform planks in the primaries, and we will get platforms that no man will dare to violate.

On the subject of the lobbying that was done in the Senate much might be said. The most scientific work of this kind was done against the Public Utilities Bill, and it must be admitted that a very impressive showing of sentiment against this measure was adduced. How far this showing was representative of the sentiment of the whole people is impossible to estimate. Unquestionably the bill had many thousands of friends throughout the State, but those friends for the most part kept silent. The opposition to the bill was extremely active, and the Senate committee was flooded with letters and statements from leading financiers and prominent citizens protesting against its passage. This opposition to the bill was obviously not spontaneous, but the showing was made because somebody made it his business to get it, and it apparently convinced some of the Senators that the people of Utah do not want a public utilities commission. A bill was introduced requiring the registration of lobbyists, as is done in several other states, but the bill never saw daylight after it got into the committee pigeon-hole.

The subject of overshadowing interest throughout the session was the Wootton prohibition bill. Much has been written and said on this topic, and, as is usual when intense feeling is aroused, many unjust statements have been made on both sides. Charity for the other fellow's opinion was conspicuously absent. In the minds of the prohibitionists every anti-prohibitionist was a tool of the "whisky interests" and thought more of dirty dol-

lars than of human souls. On the other hand, every anti-prohibitionist considered every prohibitionist a narrow-minded crank, bent upon ruining the State, and destroying everybody's property but his own. In such an atmosphere it was impossible to get that frank interchange of ideas which is essential to good legislation.

In the regular procedure, the Wootton bill should have been referred to the Committee on Manufactures and Commerce, or else to the Judiciary Committee. It transpired that, whether by design or otherwise, the make-up of those two committees looked unfavorable to prohibition, and so the friends of the measure, who controlled the Senate, denied the president the usual privilege of commitment, but by a vote of the Senate referred the bill to the Committee on Agriculture and Irrigation. It was facetiously claimed that this was perfectly logical because there were so many dry farmers on that committee. At any rate, the bill was switched from committees that were "loaded" against prohibition to one that was "loaded" in favor of it.

One interesting feature in connection with the passage of this bill is that although it was a prohibition bill, the prohibition question was never discussed on the floor of the Senate. Not a single Senator made an argument against prohibition. The entire fight was on the proposition of referring the question to a vote of the people. The opponents of the bill announced their willingness to vote for a constitutional amendment, which would have meant a referendum, and this could have been passed unanimously if the supporters of the bill had not decided against a referendum of any kind.

The ultimate death of the Wootton bill, through the Governor's veto, was made possible only by parliamentary tactics, in which the friends of the bill were outgeneraled. In view of their overwhelming majority, defeat through these means produced the most extreme bitterness. This brings up the old question whether it is legitimate to defeat legislation by parliamentary jockeying, or whether a measure should be fairly debated, and then settled by a fair vote. In this prohibition fight neither side can complain, for both sides played the parliamentary game for all it was worth. Such fighting is not peculiar to the Utah legislature. Senator Smoot and others killed the ship purchase bill by similar tactics in the United States Senate last winter.

It should be remembered that the final vote on the Wootton bill did not show the real strength of prohibition in the Senate. Some of those who voted aye did so against their convictions, but, being unable to find a reasonable excuse for absence, got into the band wagon rather than be on the unpopular side.

The Public Utilities bill was probably second in importance and general interest. It was handled by the Judiciary Committee, and a number of public hearings were held. It was hard to tell how the committee stood. At the meeting when the bill was given final consideration and was reported out, every member stated that he believed a good many evils existed, that there were abuses that ought to be corrected, and that doubtless a commission would be needed some time, but for one reason or another a majority of the committee reported adversely. Senator Edgheill voted in committee for a favorable report, but for some reason he voted against the bill when it was put upon its final passage in the Senate. Senator Reynolds, Democrat from Utah County, also "heard from his constituents," and voted against the bill. Senator Rideout, Republican from Salt Lake County, voted for the bill. He did not say whether it was at the behest of his constituents or not.

By the time the Public Utilities bill was voted upon the Senate was working under an obnoxious gag rule, which provided that no member could speak more than five minutes on any question. Even the author of the Public Utilities bill could not get the courtesy of extra time, and was only able to explain the bill briefly through other friends of the bill yielding their time to him. Toward the close of the session the previous question was also made allowable, and was several times invoked to choke off debate when measures had by no means received full consideration. The deliberative character of the Senate was of course destroyed by these rules, and the thoroughness with which it started out to do its work gave way to haste and carelessness. It was claimed that these changes in the rules were necessary in order to get any work done. It could hardly be said that any time was wasted in filibustering or in superfluous discussion of any bills, even before the Senate showed such a wonderful burst of speed. The fact is that real deliberation upon several hundred bills during a sixty days' session is absolutely out of the question, more particularly when a considerable portion of that time is consumed in junkets to the various State institutions.

The Initiative and Referendum bill originated in the House as a Democratic-Progressive measure, and passed the Senate with the aid of four Republican votes. It received its quietus at the hands of the Governor after adjournment. The bill was before the Senate twice. The first time it was defeated, but the next day, on a reconsideration, it passed. Strange to say, not a single word of argument was offered against the bill either time, hence we never had the pleasure of hearing why so many of the Senators voted against it. Some of them were

sticklers for the Constitution in everything else, but they had no compunctions about ignoring the constitutional mandate on this subject.

Two comprehensive Corrupt Practices bills were introduced early in the session, and were referred to the Judiciary Committee. This safe and sane committee never even considered them, although the chairman was repeatedly urged to give one of them a chance. He appeared very friendly to the bill, but somehow he was never able to get it before the committee! There are ways of killing a bill besides voting it to death. Some of the Republican members of the committee, in conversations about the bill, expressed opposition because it was too drastic. One Senator said if hauling voters to the polls were prohibited, the Republicans would lose all the votes at a plaster mill in his district, besides those of a lot of sheep-herders. Another was afraid of the "Coercion and Undue Influence" clause, which was copied from the Oregon law, and which was partly aimed at religious interference in politics. It would be hard to justify a vote against a good corrupt practices act, and presumably those who wanted machine politics continued thought they could save themselves from embarrassment by smothering the bill in committee.

A Workmen's Compensation bill was introduced by Senator Rideout, but it suited neither employers nor workingmen, and was finally withdrawn by the author. Another bill was prepared and met with a good deal of favor among members of the committee, but it was so late in the session that it did not seem worth while to introduce it. A bill was passed creating a commission to study the subject and prepare a bill for the next legislature.

The University of Utah trouble arose during the session, and was rapidly growing acute when a resolution was introduced calling for a senatorial investigation. The Senators were apparently not well informed on what had happened at the University, and hence they proved an easy prey to a quick lobby against the resolution, which pulled the wool over the eyes even of the progressive members, and served to kill the resolution, with only a couple of votes in its favor. It can hardly be doubted that a majority of the Senators must by this time see how short-sighted they were in refusing to make an investigation, which would have saved the University from the almost irreparable injury it has since sustained through the monumental blunder of the Board of Regents. The Senate had the opportunity to do the State a supremely valuable service, but it failed to rise to the occasion. It was obvious at the time that the arguments in support of an investigation went up

against closed minds. Indeed, one Senator moved to lay the matter on the table before the author had even been given an opportunity to speak in behalf of his resolution, but when he realized that he was letting his zeal get away with his courtesy he withdrew his motion. Another Senator thought it was an attack upon the State administration, and rushed to the defense of his party chief.

One of the most conspicuous facts of the session was domination of the executive. In Utah, as in other states, the legislature is supposed to be a branch of the government co-ordinate with the executive and judicial. Whatever may have happened in the past, during the tenth session the legislature was not co-ordinate with, but subordinate to the executive. This was apparent all the way through. It was noted that in his message the Governor adopted a patronizing tone toward the legislature, and in every public address he kept it up. And some of the legislators seemed to like it.

The administration had a taxation program. Upon examination it was found to be obnoxious to many of the Senators, and not understood by others. One afternoon the entire Senate informally waited upon the Governor and respectfully suggested that since the legislature could not possibly act intelligently upon this big, intricate question in the short time at its disposal, an extra session should be called at a later date, to consider nothing except taxation. The Governor refused. He said he and his officials had the problem all worked out, and that if the legislature failed to carry out the program that had been prepared for it, he would wash his hands of the whole matter. There was great indignation, which for a few days was more loudly expressed by Republicans than by the opposition, but the program was jammed through. Possibly it was wise legislation: but the fact remains that not half a dozen members of the Senate knew what it was all about, and could not even now give an intelligent explanation of the tax bills.

The subserviency of the legislature was again manifest in the matter of the Governor's appointments. The Constitution provides that these appointments must be confirmed by the Senate. Doubtless a large majority of the Senators resented the action of the Governor in nullifying the constitutional provision, and depriving the Senate of its lawful right to have a voice in this important matter, which he did by withholding action until the last day of the session, when it was too late to investigate the appointments, or give them due consideration. The Governor almost over-reached himself, because he apparently overlooked a rule of the Senate which provided that the appointments could not be acted upon until they had lain over for one day, and he

did not send them in until the sixtieth day. The only way to confirm was by suspending the rule, which required a two-thirds vote. This was resisted by the Democratic-Progressive Senators, and two Republicans temporarily had the courage to make a stand against suspending the rule, but they weakened at the last moment, and fell into line. It is supposed that one of them, who certainly can not be accused of lack of courage, changed his attitude for fear the Governor might veto some of his pet road appropriation bills. If this surmise is correct, he has probably been sorry ever since that he considered discretion the better part of valor, because the Governor, with one mighty swipe, killed every road bill that was passed. One of the Democratic Senators was wobbly about standing out against suspending the rule, because the Governor had consulted him about some of the appointments, and he consequently felt that it was a mean trick to oppose them. It is not known that there would have been any material objection to the Governor's appointees, if the list had been submitted at an appropriate time, but the opposition was aimed at his successful attempt to deprive the Senate of one of its prerogatives, and at putting a dangerous power into the hands of the executive. What a mockery it is for the Senate to howl about executive usurpation when it has not the manhood to stand up for its rights! Can anybody imagine the United States Senate weakly relinquishing its right carefully to scrutinize every executive appointment? On the contrary, nonconcurrence is quite common in that body, and has been applied to postmasters and judges as well as to members of the Federal Reserve Board and the Federal Trade Commission.

This cringing attitude on the part of the Senate and also of the House was likewise displayed in the special appropriation bills. Much more money was appropriated than could possibly be made available. Instead of meeting its responsibility, and making its appropriation pattern fit the cloth, the legislature blithely voted money for everything asked, and put it up to the Governor to determine which items should be allowed and which should not. When legislators are so lacking in self-respect as to treat their responsibilities in this shiftless manner, is it any wonder that in the popular mind the legislature is a good deal of a joke? The Governor quite properly decided that the best way for him to settle the question of which road bills were good was to kill them all, which he proceeded to do, without showing any partiality.

It is evident, therefore, that responsibility for the autocratic rule of the executive is divided, and that a good deal of it is due to the cowardice of the legislature

in refusing to do its duty, and weakly surrendering its prerogatives.

The supremacy of the executive, however, was even more effectively shown after adjournment, when by an unprecedented use of the veto, the Governor undid so much of what the legislature had done. Some of these vetoes were justifiable and inevitable, as for instance the special appropriation bills already mentioned. But when it is applied to an ordinary piece of legislation, so that the Governor puts his individual judgment above that of sixty-four elected representatives of the people, who are presumed to have given due consideration to the measure, and out of a multiplicity of counsel have arrived at a conclusion, then the legislature might about as well be abolished. I was going to say that the legislature proposes, and the Governor disposes, but that would be conferring too much dignity upon the legislature, because about half of the new laws were prepared by State officials. If our form of government contemplated executive participation in legislation there would be no cause for complaint, but it does not. Possibly it should, but as Perlmutter would say, "that is something else again."

THE LEGISLATURE—A REVIEW.

By James H. Wolfe.

(Part Two.)

III. Bills Introduced But Not Passed.

Although these bills are dead and seem, therefore, hardly to warrant our interest, there is a gain in a brief consideration of those belonging to the classes mentioned in the preface of this review. An acquaintanceship with the subject matter of these bills will enable us, in a measure, to arrive at some idea of the work which legislatures do. Moreover it will familiarize us with many ideas which are exercising the minds of the people and prepare us to better judge of measures to be introduced in the next session of legislature. Here again the arrangement will be by order of number, segregating Senate and House bills.

(a) Senate Bills.

S. B. 4—Evans: Provided for a Public Utilities Commission. The need of a Public Service Commission in this State is most imperative. Besides Utah, little Delaware is the only State still without a commission, Wyoming having joined the ranks this year. Surely the people of this State will not much longer endure the conditions here existing.

S. B. 15—Dern: Required employers of labor to

keep a record of all industrial accidents to employees and to report the same within forty-eight hours to the Commissioner of Irrigation, Labor and Statistics. Mr. Dern here saw the importance of acquiring statistics upon which to base a workmen's compensation law. This bill has another valuable purpose. It is rumored that in certain cases the bodies of foreigners killed while in the employ of one of our large copper companies have been shipped to the undertakers in Salt Lake in such haste as to bury all evidence with the body. In 1913 the writer drew a bill providing for a coroner's inquest in cases of the death of workmen killed while at work. It was meant to guard against the practice mentioned. The bill never reached the floor of the House.

S. B. 162—Chez: A twin bill to the preceding was this one by Mr. Chez, requiring a report within forty-eight hours by doctors called to visit patients suffering from occupational diseases and defining the information to be reported.

S. B. 21—Chez: Prohibited the issuance of passes and free transportation to certain State and County officials. To those familiar with the generosity of the Oregon Short Line Railroad Company to our legislators the advisibility of this bill is apparent. The bill was doomed from its inception.

S. B. 24—Eckersley: Prohibits the giving of free passes to almost everyone except officers mentioned in Mr. Chez's bill. It was a sort of converse of Mr. Chez's bill. We cannot see why the railroads should have objected to this bill.

S. B. 22—Chez: Abolished voting machines. There is very little merit in voting machines, except for the hidebound party man. To the uninitiated they are an abomination and in our busy age we are fortunate if we get the electorate to vote, let alone persuade them to school themselves beforehand in machinery methods of scratching the ticket. The political party having its members most completely under domination will generally favor the voting machine.

S. B. 27—Chez, and S. B. 66—Dern: Corrupt Practice Acts. We all know the growing disposition to prevent undue expenditure of moneys by candidates for office. In Utah the habit of hauling the lazy voter to the polls should be condemned. It gives to the party rich in funds too great an advantage. It has the merit of getting out the vote—largely for the opposite side. The voters enjoy the little joke of riding free at the opposite side's expense. We expect a corrupt practice act about 1925.

S. B. 28—Chez: Another Initiative and Referendum act. We think it inferior to H. B. No. 9, by Shields, on the same subject.

S. B. 31—Chez: Mitigated the severity of the contributory negligence rule and provided for the apportioning of damages according to **the amount** of contributory negligence. In theory this bill is excellent, but our efforts along this line had better be confined to the procuring of a workman's compensation law. (Compare H. B. 165, by Bevan, infra.)

S. B. 39—Rideout: Made it a felony to transport girls from one place to another within the State for immoral purposes.

S. B. 40—Rideout: A bill for a workman's compensation act. This bill provided for compensation where the "actually or lawfully imputed negligence of the employer was the natural or proximate cause of the accident." This is not complete. Workmen should be compensated for injuries even where there is an inevitable accident. This bill simply substituted a new method of settlement between employer and employee. The bill made no provision for distributing the burden of the accident over the entire industry. The scale of compensation was anything but generous and the constitutionality of the bill is in doubt. The maximum compensation was $12.00 per week, and the minimum $5.00. The total maximum was $3,500.00. The benefits were to begin two weeks after the accident, leaving the period when most needed unprovided for, except as regards hospital services and medicines, not to exceed $4.00 per day. Mr. Rideout did well in substituting S. B. 245 providing for an investigation into the subject.

S. B. 41—Chez: Placed the Police and Fire Department under Civil Service Rules. We think this idea unsound. Although the police are peace officers, the tendency is more and more to make the police system military along the lines of obedience and discipline. Colonel Goethals made this the condition of his accepting the New York Police Commissionership. It is very essential that the head of the department have absolute command and that every officer know that he holds his position subject to the orders of the chief. The problem really consists in selecting the proper head. We cannot find an easy way to dodge this responsibility.

S. B. 48—Edgheill: Required common carriers to provide sufficient and suitable passenger cars to accommodate the traveling public. This is one of those matters which is pre-eminently for a Public Utilities Commission.

S. B. 51—Rideout: Made it compulsory on Board of County Commissioners to make use of the labor of prisoners confined for wilful neglect and abandonment of wife and children. Those who see a dastard of a husband fed in jail while his wife and family are in want outside realize the necessity of this law. The

futility of placing men in a position where they are unable to do the very thing, the failure of which they are committed for, is apparent. This bill should have become a law. The writer drew a comprehensive bill providing for the establishment of a court of Domestic Relations in which appeared the same feature. (See H. B. 97.)

S. B. 52—Evans: (See also S. B. 92.) This bill provided for the inauguration of the Torrens System of Land Registration. S. B. 92 was a substitute for this bill and passed all but the Governor. (See supra.)

S. B. 67—Ferry: Created a State Sanitary Inspection and regulated the plumbing, draining and ventilating of buildings and provided for the inspection of the same.

S. B. 68—Rideout: Created a State Police Department consisting of ten State police to assist local officers in the investigation, direction and prosecution of criminal cases, and to do independent work along these lines.

S. B. 84—Wootton: Provided for a State Board of Drugless Practitioners. This is a board which might, it seems to us, be dispensed with.

S. B. 68—Dern: Provided for the registration of persons appearing before legislative committees for purposes of influencing legislators in favor of or against pending legislation. This is a most excellent bill, but evidently it was very unpalatable to those who do the gum-shoe work before committees.

S. B. 90—Wight: This was a child labor bill. It was drawn by the writer in harmony with the National Child Labor Committee's model bill modified to suit Utah conditions. It was first introduced in 1913. In this section child labor bills came more into fashion Of all the bills only one insignificant amendment to the present Utah child labor law succeeded in surviving. Our child labor situation in Utah is not serious, but it may become so when our deposits of iron and coal are exploited more fully.

S. B. 105—Chez: Prohibited Trusts in Utah and defined same.

S. B. 111—Eckersley: Provided for the applicants for a marriage license giving more data than is now required. The bill was tame. The old English requirement of publishing the bans would prevent many heedless marriages. Many of the infatuated, if they had two or three weeks in which to think it over, would come to different conclusions.

S. B. 115—Chez: Regulated the sale of liquor. This bill prohibited the sale of liquor between the hours of 9 p. m. and 6 a. m., in case of saloons, and after 11 p. m., in case of clubs. It prohibited entirely the sale in dining-halls, cafes and restaurants.

S. B. 150—Ferry: Bill of forty-two pages regulating sale of liquor and making numerous amendments to our present law.

S. B. 168—Ferry: Made it unlawful to take, carry or receive intoxicating liquors in any shaft, adit, incline or tunnel connected with any mine or into any smelter or mill for the reduction or concentration of ores.

S. B. 203—Dern: This act amended certain sections of Chapter 106, Session Laws, 1913, relating to the manufacture and sale of intoxicating liquors. Mr. Dern's policy of strict regulation is expressed in this bill. He would limit the saloons to one to every 1,000 population in cities. (It is interesting in this connection to note that in Salt Lake City we have one policeman to about every 1,200 inhabitants and not all of them are on duty at the same time.) The law prohibits females to sing, dance, play upon musical instruments or otherwise entertain guests in any place where intoxicating liquors are sold.

S. B. 118—Thornley: Allowed counties as well as cities to appoint juvenile court probation officers upon recommendation of the juvenile judge. We cannot see why this bill did not pass. It is perfectly harmless.

S. B. 120—Wight: Amends Section 1337, Compiled Laws of Utah, 1907, so as to allow men to work ten hours per day in reduction or refining works using a wet process for the reduction of ores when the employment of other men underground is dependent upon the operation of such reduction works. We understand there were good economic reasons for this bill, affecting the welfare of the working man himself. This being so, the bill should have become a law.

S. B. 121—Chez: Designed to prevent the cashing in saloons and places where intoxicating liquors are sold, of checks, drafts and orders given in payment for wages. The purpose of this act—to protect the working man against himself—is very commendable. The enforcement would be most difficult. Moreover, we are not without doubts regarding its constitutionality.

S. B. 138—Chez: Made insanity for more than two years a ground for divorce and allowed proof by two credible and competent physicians skilled in medical diseases to establish the fact. The substantive part of this bill is reasonable; we hesitate about commending the part relating to the amount and kind of proof.

S. B. 147—Cottrell: Authorized and directed the Board of Regents of the University of Utah to conduct extension work throughout the State and to make surveys; to collect, tabulate and preserve data showing the resources of the State and bearing generally on ques-

tions of interest to the people of the State. The bill was a sort of twin to S. B. 33, pertaining to the Agricultural College. The idea involved is splendid, but one asks why not place this duty on the University direct rather than upon the Board of Regents? The Board of Regents are supposed to supervise the business and financial side of the University; all which relates to learning, information, scholarship and teaching should be under the direct control of scientific educators.

S. B. 160—Evans: A bill akin to the preceding in that it created a bureau of Social and Civic Service and Statistics in connection with the University of Utah and provided for the appointment of a Commissioner. The bureau was to collect by means of industrial and social surveys and by other adequate means, information bearing upon the "industrial and social conditions of the State, useful in the making of laws, the promotion of industry and education and for general public betterment." This surely gives the bureau a wide field in which to operate. These bills show that even Utah is succumbing to the pressure of this social era.

S. B. 185—Chez: Regulated moving picture machine operators and provided for educating such operators and registering them.

S. B. 197—Hansen: Amended Sections 1 and 2, Chapter 82, S. L., 1909, relating to the State Dairy and Food Bureau, cutting down the bureau from 3 to 5 members, and appointing the attorney general a member. The law as it now stands requires that one of the members be a practical manufacturer of dairy-food products; another to be a merchant engaged in the sale of food products and another a non-producer of food products. The proposed amendment would have been an improvement over the present law. A large manufacturer might get himself appointed on the bureau and offend flagrantly with fair probability of immunity. Why the amendment puts the attorney general on the bureau is a riddle. The attorney general must feel complimented in being made the "fourth hand" on so many commissions. He seems to be the bill drafter's handy man. The only essentials for serving on a bureau such as this should be common sense in commercial and industrial lines and a big desire to protect the interests of the public and great fearlessness. Such a man was Mr. Wallis of Idaho, lately forced to resign because of the intrepidity with which he pursued his duties.

S. B. 221—Cottrell: Provided for the school enumeration between the 15th and 31st days of October of each year. This bill should have been passed. The school census is now taken in the summer when many of the city children recreate in the country. The country districts consequently count these children in their cen-

sus and in that way obtain a greater share of the State funds than they are entitled to.

S. B. 234—The State Fish and Game Commissioner was authorized to set aside game sanctuaries in the State of Utah for the perpetual protection therein of wild birds and animal life of all kinds "except such species as are expressly permitted to be killed at all times by law otherwise provided." This bill was in line with the splendid work the Burroughs Nature Clubs are doing throughout the State. It should have been passed.

S. B. 243—Committee on Mines and Mining: This was a Joint Rate Bill, requiring common carriers to apportion the freight rates with connecting lines where the connecting line makes part of the haul to the common point.

Senate Joint Resolution No. 2—Rideout: Proposed to amend Sec. 3, Art. 13, of the Constitution of Utah to read as follows: "The legislature shall provide by law for a just and equitable assessment of the property of the State at its actual money value. All taxes shall be uniform on the same class of property within territorial limits of the authority levying the tax and shall be levied and collected for public purposes only." This last sentence is the amendment proposed by the National Tax Association. It was strongly recommended by Mr. C. S. Patterson in his article on our Public Revenue System appearing in the February number.

House Bills Introduced But Not Passed.

H. B. 13—Fitch: Prescribed the power and brilliancy of locomotive headlights. That some regulation on this subject is necessary for the safety of the train is perhaps true. It is one of those matters which a Public Utilities Commission should handle.

H. B. 32—W. B. Evans: A bill for an act to divide the State into representative and senatorial districts; to apportion representatives and senators among such districts; to establish ratios of apportionment. Governor Spry, in his veto of the Prohibition bill, remarked that the representation in the legislature was not apportioned according to the population and that the vote on the prohibition measure therefore failed to reflect the real voice of the people. The bill was to accomplish this purpose. It would be interesting to know how those allied with Governor Spry looked at this bill. The apportionment of representatives and senators should certainly be revised. The old constitutional apportionment of twenty years ago still subsists.

H. B. 35—Christensen: A bill amending certain sections relating to the form of ballot. The proposed ballot is known as the "headless ballot." Candidates for all parties are segregated under the designation of their offices regardless of the party they represent. The party

designation is written after the name of the candidate. In the form of ballot now used in Utah the candidates are placed in columns headed by the party name and symbol regardless of office. The proposed ballot reverses this order. It is most commendable as is any reform which encourages people to consider the man and the office instead of the party. This form of ballot has been endorsed by former Governor Hughes of New York, Governor Folk of Missouri, former Governor Wilson of New Jersey, and many other progressive men of the age.

H. B. 38—Burton: Amending the law against gambling, dispensing with the proof that such game was played for money. The bill facilitated prosecutions in cases where it is now almost impossible to obtain a conviction.

H. B. 51—Lund: Workmen's Compensation act. This bill is open to many of the objections directed against Senator Rideout's bill. (See supra.) The compensations for disability partial in character but permanent in quality were the same whilst the compensation for disability permanent in character and quality were less than in the Rideout bill.

H. B. 57—Page: Bill to provide for the partial support of the children of widows and for the partial support of children who are wholly orphans. This is a good example of the sort of bill which should not pass. It is poorly drawn. It gives $2.50 per week to the one child under 1½ years old and only $1.50 to one child if over that age, and $1.00 per week to each additional child. Why this sort of grading? Would not a child ten or twelve years old require more for support than one under 1½ years of age? The bill allows widows, regardless of their means, to obtain aid. The aid is not made on any condition of the mother keeping her children together at home. The system of payment and accounting is very cumbersome. It virtually makes the County Commissioners or the State Auditor supervisor over family accounts. It permits allowances for children of divorcees whose husbands cannot be compelled to pay for their support, children of criminals and children of abandoned wives, thus encouraging abandonment and divorces. Mr. Page's heart, we know, is in the right place, but the merits of his bill in this case are most questionable.

H. B. 60 and H. B. 61—Bevan: These two bills allowed cities to construct, lease or purchase or otherwise acquire and operate and control public bath houses, public laundries, public coal yards, ice manufacturing plants, cold storage warehouses, bakeries and municipal lodging houses. The bill would be called decidedly socialistic, but we do not see why municipal corporations should not

have the power to go into business, especially in those matters concerning the vital interests of the people. Whether they should desire to use this power would depend upon the many factors of expediency arising in each given case.

H. B. 63—Lund: Proposed a commission to prepare and submit to the legislature a revised and amended code pertaining to the organization and civil procedure of Justices' courts. In more than one place the statutes on procedure in the Justices' courts are "blind." The sections relating to appeal have a twilight zone of vagueness and doubt which plagues the practitioner. Mr. Lund's idea was sound. Perhaps this might well be left to the next general codification of laws.

H. B. 67—Mabey: Public Utilities Commission bill and a duplicate of S. B. No. 4, by Evans.

H. B. 68—Christensen: This was an anti-pass bill. To our mind the classes of people excepted were too many and wide. Why should attorneys-at-law or physicians be allowed free passes? Why officers, teachers, and students of universities? The very purpose of such a bill—to prevent the railroads from gaining favors by giving the favor of free transportation—would be defeated by enlarging the number of exceptions inordinately.

H. B. 70—Page: Provided for the partial support of persons over the age of 70 years. This bill sadly mixed the theories of charity and justice. It is most essential not to confuse these two fundamental ideas by granting pensions promiscuously to a class where this distinction is not made. Old age insurance is quite another thing. It proceeds on the theory that men who spend their lives at work should, **as a matter of justice,** be provided for in their old age. Pensioning people without distinction after they reach a certain age may be necessary as a matter of humanity, but let us do it under the category where it belongs—charity. The fundamental objections to this bill relieve us from considering its superficial aspects.

H. B. 71—Lund: Provided for the appropriation of $100,000 for work on the Capitol grounds. It was aimed at relieving the situation of the unemployed which was and is pitiful. If that work could have been expeditiously done with even fair economy at that time this appropriation should have been made. If not, it might have been more economical to the State to appropriate a part of the sum simply as a gift to tide over the jobless in their season of precariousness. On these questions we are unable to decide.

H. B. 72—Hawley: Prohibited false, fraudulent or misleading advertising matter. See also H. B. 122, by Mr. Mabey.

H. B. 80—Christensen: Provided for the establishment and regulation of primary elections.

H. B. 81—Lund (by request): Amended Chapter 133, S. L. 1911, so as to eliminate the nine hour day for females although allowing a 54 hour week limit. Had this bill passed it would have been a decided step backward in our social legislation regarding women.

H. B. 91—Wolstenholme: Enlarged the definition of common nuisances greatly and provided for their abatement under the Injunction and Abatement Act of 1913.

H. B. 92—Page: Provided for an Income Tax.

H. B. 97—Shields: This bill enlarged the powers of the Juvenile court in judicial districts containing a city or cities of the first class so as to take in certain phases of the domestic relations now spread over several of our courts. It renamed the Juvenile courts in such districts "Juvenile and Domestic Relations Court." It defined precisely the jurisdiction and procedure in each particular class of cases. In a former issue of The Survey we discussed at length the need of such a court. While the chairman of the committee to whom this bill was referred seemed very favorable to it as well as other members of the committee, it never came up for consideration. Why, we have not ascertained. Its failure to become a law leaves a distressful situation among many families still unprovided for. We deemed this measure an important one, as we know the pitiful situation of many abandoned mothers, and because we know this method of handling these cases is rapidly growing throughout the Union.

H. B.'s. 101 and 102—Judicial Committee: Amended codes of criminal and civil procedure. Both these bills, we understand, were drawn by the Bar Association.

H. B. 110—Griffin: Making 10 per cent interest per annum the maximum legal rate which lenders might charge, and amending, therefore, Sections 1241x and 1241x1, Compiled Laws of Utah, 1907. It is interesting to see the effect on our usury laws produced by the decreasing rates of interest in the business world due to the building up of western communities.

H. B. 115—Bevan: Prohibited the employment of any person for more than eight hours a day. We are not in sympathy with this bill.

H. B. 117—Goodwin: Amended Sections 1351, Compiled Laws of Utah, 1907, so as to allow judges of U. S. courts to take books out of the State library. We cite this bill to show with what details the legislature contends.

(To be Concluded.)

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LOCAL UNEMPLOYED SITUATION.

We note that "Business is good" and that great billows of prosperity are making this way. Reports to the contrary notwithstanding, the man who wants a job is not relieved. The skilled workers, in the building trades, report abnormal conditions. The painters and paper hangers, at this season of the year, in Salt Lake City, would normally be working 260 men. About 160 men are at present engaged. In this trade in the city the average number of months employed, in the last five years, is seven out of twelve, with an annual income of $750. This is a skilled trade. The carpenters' union has a membership of 600. About 20 per cent have regular employment, 20 per cent are working one-half of the time and 60 per cent one-tenth of the time. At this season of the year the whole number and extra men should be busy. Other allied trades report conditions about the same. While we are advertising the wealth of opportunity offered by our State the men who do the work are sending out to their fellows over the country the following, marked "Warning," in big type: "Stay away from Salt Lake City. Building conditions are extremely poor here. Pay no attention to misleading advertisements, as the town is flooded with all kinds of mechanics looking for work." In 1914 building permits were issued in this city, during April, May and June, for construction, costing $855,714. The permits issued this year during March, April and May total $742,028, most of these for small buildings or alterations. The men on the street, who have no statistics to offer, give it as their experience that the man who gets the job is lucky. Every possible opportunity finds a waiting line and many turned away. Men who go the rounds every morning and tramp for miles, assure us that the situation is about the same as in the winter. At this season of the year these men are out on the road, sleeping under the trees. While we are concerned about the length of the vacation many would rejoice to find a job. This is a bad situation. To keep it from weighing on

one's mind various methods may be used, all very respectable. It is always open to deny that anyone who wishes work is ever out of work. This is the rustic point of view. Local, provincial and uninformed people find that this point of view brings amost immediate relief, if unemployment happens to trouble them. Others find relief by charging all idleness to shiftlessness, drink and other vices. "This idle winter, which we have just passed through, should be a great lesson to workingmen," said a business man who shows average intelligence on other subjects. Both of these views will yield a great amount of comfort to those who enjoy light summer fiction of this nature. To keep the unemployed situation from disturbing those not immediately concerned a rose-water spray of prosperity talk will be found very good. For those to whom facts make any difference it might be stated that the United States Bureau of Labor has found that in fifteen cities studied 11.5 per cent are unemployed and 16.6 per cent employed part time. The Metropolitan Life Insurance Company has gone over the situation, for purely business reasons, reaching about the same results as the Labor Bureau. Six million men, they say, are unemployed.

EDUCATION IN UTAH.

Education has been hard hit in our state. Higher education has taken note of our standards and spirit. The verdict says that we may localize if we will, but the democracy of free education, in the country at large, cannot be a party. We have before us letters asking if one can come to Utah with self-respect to take the place of men who have made the good fight and lost. This is unfortunate in a state where education started late and proceeds slowly. As we go to press many are concerned about our education below the University. It seems that we are very poor. We have been looking over the wealth of our state. The copper figures alone, told in dividends, impress us. Our editorial mind cannot grasp such big figures. We understand that much of it goes to New York. However this is, we are very poor. It is thought that we may be obliged to reduce our school term to nine and one-half months. Our teachers are asked to face this alternative. The kindergarten, playgrounds, the art work may have to go because we are so poor. We do not like this spirit in our lower education any better than we like the spirit in the University. There is a disposition among us, expressed in a part of our press we regret to say, to regard all new steps in education as "frills" as we regard all progressive industrial legislation as "freakish." New things are always "frills" to fixed minds. This spirit re-

gards "readin', writin' and 'rithmetic" as the bread and meat and all else the salad of the intellectual menu. The things that our poverty is asking us to take out of the common schools, are now fixtures and necessities in the educational world.

We are glad to note that 2,500 women of the city have made their protest and that the Commercial Club is concerned. It is important that we keep all these tendencies before us. It is a small saving remnant that must hold up the standard and make themselves felt by their protest.

VICTORY IN NEW YORK.

One year ago Governor Glynn put through the New York Legislature a workmen's compensation law which is called the most liberal in the country. Labor interests in the State of New York were placed under a compensation commission and the State Labor Department. Then came the election of 1914, which placed a group of men at Albany generally hostile to such industrial legislation. Much legislation was introduced to nullify existing laws favorable to labor. In spite of this condition of affairs a bill creating a State Industrial Commission was passed and has been signed by Governor Whitman. This is the eighth state to place its labor code under one board with a large margin of discretionary power. The New York Commission combines the Labor Department and the Workmen's Compensation Commission. John Mitchell, a national figure in the labor movement, and James Lynch, long-time President of the International Typographical Union, are two of the Commission of five. In these two departments, now combined, there were seventy-eight positions exempt from civil service. With the Industrial Commission plan only twelve positions are exempt, five of which are the commissioners themselves. This removes the commission about as far from political interference as is possible. To aid this commission is also an unsalaried Industrial Council, with advisory powers only. Five of this council, all appointed by the Governor, as is the Commission, represent employers and five represent employes. We call this bit of news to the attention of legislators, past and future. We have insisted that an industrial commission is simply good business, and that we are trying to do piecemeal much that should be centralized. We also take pleasure in recording that this freak legislation of Wisconsin has impressed itself upon a great industrial state which has never been accused of being impracticable in legislation. In our last Legislature provision was made authorizing the Governor to appoint a commission to make inquiry into the

subject of workmen's compensation and laws. We await the appointment of this commission with great interest. It is a job that should be well done by competent men. Report is to be made to the next Legislature. A live commission has the opportunity of profiting by the experience of many states which have already tried out the weak points in compensation legislation. Our State needs to be convinced first of all that this is not class legislation. It is introducing order, into a world of chaos in industrial accidents, which has proved beneficial and acceptable to employers and workmen alike. Before we go to press again we can expect this commission to be far on its way.

LITTLE DEEDS AND LONG MEMORIES.

We are opening our columns to what may seem to many a post mortem of good things tried for and lost. That we failed to enact about all the legislation, which stands approved by forward looking states, is generally admitted. These things ought not so to be. We are a democracy. There should be but one master voice. If the people of Utah fully expressed their highest wish in the last Legislature then we have nothing to say but to regret that they wish so little. The thing with which we are concerned is the quantity and quality of the evidence that insists that the machinery of expression failed to respond to the people's highest intent. If this be true then we have much to say. We have spread on our pages an inside view of the working of the Senate. One who is in a position to know tells, in this issue, the reason why prohibition failed. Here are men high in public confidence, whose motives are not questioned. Their statements are made against interest after counting the cost. Here are charges of serious weight against the motives and the methods of the executive and legislative branches of our state. These charges have not been denied. Our pages are open to the rebuttal. We are not the jury. We are collecting the evidence. We are recording the post impressions of the last Legislature as a perpetual memorial and a handy reference for our readers. The smaller the deed the longer should be the memory. We believe that the whole people are not pleased with the stewardship of their servants. Here are men who bid for higher seats at the public board. Election time is coming but the memory of man is short. There are political cemeteries as well as places higher up. When men fail to respond to their constituency in a democracy they are already dead. Civic decency requires the service of burial. "Lest we forget" what was done in the last Legislature and who did it we would keep their memory green until the voice of the people speaks again.

A JUDICIARY REMOVED FROM POLITICS.

The office of judge, compared with other public offices, is in some respects peculiar. In other offices, perhaps, there may be the necessity of providing for a choice between political principles in the filling of a position and consequently the need of machinery for expressing the choice of that principle by the election of the individual claiming to embody it. In passing, it is to be observed that even in local offices of an administrative nature there is usually no issue of principles involved, the only question being honesty and efficiency. Above all, in the office of judge there is positively no room for the representation of political principles. (There may be an exception in the case of the Supreme Court of the United States.) The only question is one of justice.

The Reasons for a Primary.

It seems generally agreed, therefore, that it would be better to emancipate the judiciary from politics. The difficult problem is to perfect machinery for doing this. By what process can we nominate judges without the open or secret stamp of party? A direct primary is direct because by its means the rank and file have an opportunity to nominate. The elimination of the intervening convention is supposed to abridge the domination of bosses in naming candidates. The choice is supposed to be more representative of the real desire of the people.

The Argument Against Primaries.

Direct primaries may be partisan or non-partisan. Assuming that they would be, in the case of the nomination of judges, in form non-partisan, there still remains the difficulty of keeping them non-partisan in substance. Assume a ballot in the case of judges without party names or symbols, containing the names of men belonging to all parties. Assume the law to provide that the two men obtaining the highest vote at the primary be the rival candidates for the position of judgeship or, in the case of the Third Judicial District of Utah, the ten men receiving the highest number of votes for the five positions of judge. If the primary under this supposition is strictly non-partisan it reduces itself to a means of eliminating minority competitors and is in itself a semi-final election. Under the assumptions above made we must inquire whether there is any manner in which the primary may be used by the party to name a party favorite. The man who will likely receive the greatest vote at the primary will be he upon whom some organized group concentrates most solidly. This group may be held together by professional politicians and their henchmen and in cases where the vote

at the primaries is light it may very well be that one party may choose all these candidates. Thus it is not only possible, but somewhat probable, that a mere tool of a party (and that may mean the tool of some small controlling element in a party) may lead in the returns from the direct primary. But it may be asked how we are any worse off than we were when judges were outwardly nominated by conventions. Granting this to be a fair question in light of the fact that we were working for something better, the answer is decidedly that we are worse off under the circumstances supposed. In conventions the candidates are chosen in the open and the parties are, in a sense, responsible for them. The parties may suffer if they select an incompetent man. In fact, if the voice of the rank and file of the party, instead of the few professional politicians could be heard at conventions, and granted the people were cognizant of the able men, no better way of choosing candidates could perhaps be devised. But when professional politicians control behind the scenes in the name of the people accountability is hard to trace. A monarch, openly holding in himself all power, may be less dangerous than a small clique operating ostensibly through the popular electorate. And any scheme, for placing the names of judges on the ballot by a petition, containing a certain percentage of the voters of the district or governmental unit for which the judge is to be elected, has many of the infirmities of a direct primary. It is subject to all the secret play of parties behind the scenes without visiting upon them the responsibility for their candidate.

Moreover, granted that the non-partisan direct primary would accomplish its purpose of freeing nominations of the taint of politics, what assurance have we that the people will have sufficient knowledge to choose competent men? The great mass of the people are hardly in position to judge of the legal, and still less of the judicial, qualifications of men. We know of a man in this city who has pre-eminently judicial qualifications, but whether he would stand more chance of nomination at the primaries than by convention is most questionable.

There is still another reason, perhaps many if they would occur to us, why the non-partisan direct primary, when applied to the choosing of judicial candidates, would fail to accomplish its purpose. There must be some machinery for placing the names of the aspirants on the selective primary ballot. This may be by petition or by sufficient "writing in" or other methods adopted. But there is nothing to prevent parties from holding conventions and endorsing, although not

nominating, men as candidates. It would be hard to prevent the organic expression of choice. This gentle hint to the party "regulars" might play havoc with the non-partisan idea and spoil the spirit of it completely.

The Appointment of Judges.

There are other ways of securing a fair and competent judiciary. The appointment of judges for long terms with salaries sufficient to induce able men to leave lucrative practices has been successful in some states, notably Massachusetts. An adequate salary plus the honor implied by the appointment plus the chance of leading a more or less philosophical life has induced men to give up a greater income-producing business for the ermine. But they must be assured of permanency. All things considered, appointment by the governor of the judges for life or during good behavior or at least for a very long term, would, in our opinion, serve best the interests of the people. The chances are decided that even a weak executive would sober to his responsibilities in making appointments of such consequence and gravity and, where aided in his choice by the advice of a strong and democratic bar association, the chances for a bad selection would be greatly reduced. Furthermore, a judge chosen for life would have no need to fear the consequences of having to return to a practice diffused and dispersed by long detachment. Many men of ability refuse to accept a position on the bench simply because they do not care to begin building up a new practice after their term has expired. In the State of Utah a constitutional amendment would be necessary to allow appointment by the governor.

There is, of course, the possibility that a judge, after sitting on the bench for a long period of years, may become moss-grown and gradually lose touch with the actual conditions of life, but this want of sympathy with life is not so much a deadening by long and customary contact with dry legal principles as it is due to a residual temperament which inclines a man that way regardless of the sort of life he leads. A judge is still a member of the living world and has every opportunity to keep his views refreshed and broadened by actual contact with life. If properly constituted his position should present him with even better opportunities. Then, too, a poor judge at the beginning might grow into his position and after a time become very fit. Under our present system, when his training begins to count he may be displaced.

Then, too, under the party system poor men did have a chance of election, because the expenses of their campaign were mostly paid by the organization. In

the non-partisan election plan the richer man would always have the advantage since both would be supposed to finance their own campaign. We believe the appointive plan, everything considered, will work more satisfactorily than any of the other schemes yet devised.

WHY PROHIBITION FAILED.

By Senator William W. Seegmiller.

The Utah Survey asked Senator Seegmiller to state his "version of the reasons and influences lying at the bottom of the defeat of the Prohibition Bill." The following is in response to the request.

The reasons which Governor Spry gave for vetoing the Prohibition Bill must appear silly and absurd to all thinking people. He made a strong point of the idea that prohibition is of such great importance that it should be referred to the people. When we consider the fact that the Attorney General, whose opinion must be authority for the Governor, told us that if we attached the referendum section to the prohibition bill, and the bill were passed by the people, the referendum feature of the bill would be declared unconstitutional and the entire bill would be invalidated, we cannot help thinking that if the Governor were sincere in vetoing the Prohibition Bill he should have signed the Initiative and Referendum Bill. Until such a bill is passed, prohibition, according to the Attorney General, cannot be referred to the people. One would have expected naturally then that the Governor would have hastened to sign a bill by which the matter could have been referred to the people; but not so. With the same determination to thwart the will of the people, with which he vetoed prohibition, he also vetoed the Initiative and Referendum Bill. The other reasons, which he gave, are equally illogical and are not worthy of space for discussion.

We should all understand why the Prohibition Bill failed of enactment. I am confident that the self-constituted, pretentious leaders of the Republican party have sold the inherited right of the electorate of the State of Utah to the liquor interests and have agreed that, for a certain number of years, there shall be no prohibition legislation. We have not forgotten how the liquor men, with Governor Spry for their general, exerted every power and used every influence to delay the passage of Senate Bill No. 50. The fight was close in the Senate, but with such determination, as that expressed by Senators Hansen, Chez, Funk, Bradley, Rideout and some others, the bill could not have been successfully retarded in that branch of the Legislature. But when it arrived in the House the Governor found more willing workers, and under the guise of prohibition make-believe some of

those who handled the bill delayed it until we had only sufficient time to concur in amendments in the Senate and transmit the bill to the Governor, for his signature, five days before the adjournment of the Legislature in order that he might have to act upon the bill before adjournment. This difficult undertaking was accomplished, however. When the Governor saw that all his efforts were in vain the lights went out in the executive quarters and the doors were found to be locked.

The reason then that prohibition was defeated is simple and requires but little explanation. The Governor made good to those to whom he is indebted and the people are dumbfounded to discover that in this free state and liberty loving nation there is a Governor who is a fearless dictator, regardless of the wishes of the people who elected him.

THE LEGISLATURE—A REVIEW.

By James H. Wolfe.

(Part Three.)

H. B.—Barker: Prohibited the selling of butter, eggs, etc., without marking the quality and freshness and character of the same. It also requires the year of the canning of fruits, vegetables and meat products to be marked on the can. In view of our being informed of renovated butter and process butter being sold in Utah without intimation as to its character, we think this a very excellent bill and one which would have gone a fair way to protect the public.

H. B. 126—Hayward: Raised the age limit at which children could be employed in certain employments dangerous to life, limb and morals and made the daily limit of work for boys under 14 and girls under 16, nine hours. The model law of the National Child Labor Commission, based on long study and investigation, places the daily limit at eight hours and the weekly limit at 48 hours. See S. B. 90—Wight (supra). This amendment should have passed.

H. B. 131—Shields. An act relating to pawnbrokers. It allowed the charging of 5 per cent per month or fraction thereof on loans up to $50.00; 4 per cent per month or fraction thereof on loans between $50.00 and $100.00 and 3 per cent per month on loans exceeding $100.00. The writer appeared before the committee to object to certain features of this bill including the contemplated interest rates. At his request a bill drawn after the New Jersey law and recommended by A. H. Ham, the Russell Sage Foundation expert on the remedial loan situation throughout the United States, was submitted to the committee. This latter bill was comprehensive and regulated both pawnbrokers and salary loan agencies. It was

too late in the legislative session to have this bill adequately considered. As it was, the pawnbrokers' bill failed to come to vote. It would have been better if the bill introduced by the pawnbrokers had passed as it was amended. The interest rates were reduced to approximately 3 per cent per month. **This rate is necessary in order to allow the pawnbrokers to do business.** As it is now they are compelled to break the present law to stay in business, and once broken there is nothing to hold them from breaking it greatly to their advantage.

H. B. 139—Barker: Racing bill, permitting betting under the Pari-mutuel system. This bill was nursed under the guise of promoting the breeding of thoroughbred horses. After its true complexion was known it was doomed.

H. B. 146—Fitch: Attempted to introduce the whipping post for wife-beaters. One has grains of sympathy for such a bill in spite of its seeming barbarity.

H. B. 147—Fitch: Provided for the keeping of "first aid apparatus" in mines employing over twenty-four men and provided for training in its use and for drilling the men for emergencies. It provided also for $25,000 out of the State Treasury for buying the equipment for the mines. We cannot see why the State should provide this equipment.

H. B. 149—Lund: Prohibited girls under 18 and boys under 16 from working at gainful occupations other than farm work during the school year.

H. B. 150—Lund: Provided for payment for support of children between 8 and 16 where the parent is financially unable to send such child to school.

H. B. 153—Lund: No girl under 18 and no boy under 16 to work at any gainful occupation other than domestic service, farm work or delivering newspapers, before seven in the morning and after seven in the evening, or more than eight hours, or more than 48 hours in a calendar week.

H. B. 156—Lund: Compelled every child between 8 and 16 years to attend school excepting in certain cases.

H. B. 152—Lund: Capital punishment abolished. We are not prepared to say whether society is ready to dispense with this sanction for respecting the life of others. We cannot but believe that some are held from murder by a wholesome fear of the consequences, but the question then arises whether this terrible punishment should be meted out on all to strike terror into the hearts of a few. There is a strong feeling, gaining headway, that this sort of punishment is an antiquated not to say barbaric custom. Its deterrent effect is of very doubtful effectiveness.

H. B. 163—Bevan: Provided for semi-monthly payment of wages and payment in full at the termina-

tion of the contract. Those who appreciate the hardship on workmen who are compelled to wait for their money until a postponed pay day, sometimes without a penny in their pockets, may see the purpose of this bill. Of course corporations should have sufficient time to make out their pay rolls, especially when the offices are situated away from the place of operations. The bill should have become law.

H. B. 165—Bevan: Made slight contributory negligence no defense in an action for personal injury or death, and allowed the jury to consider the proportion of negligence on each side and assess accordingly. This was a step in the right direction, and is certainly sound in theory. The trouble with the bill is that it touches only a part of the whole problem of compensation. Here again is an instance of doing piecemeal what should be done under one act.

H. B. 166—Bevan: Allowed peaceful picketing and provided for police protection for such picketers.

H. B. 168—Christensen: Providing for an annual school census between the 1st and 15th days of October. (See S. B. 221, by Cottrell, supra.)

H. B. 170—Croft: Provided for maximum rates for the carriage of coal based on distances, ascending in rate with each increment of 10 miles in distance up to 200, and above that with each 20 mile increment in distance. The rates took no account of the conditions of haulage and covered carload lots only. We are not prepared to pass on the fairness of these rates. We suppose they were enough to cover the cost of haulage under the worst circumstances. A maximum rate always tempts the railroads to approach it. What is wanted is not maximum but reasonable rates. All the matters contained in this bill are in the purview of a Public Utilities Commission.

H. B's 171 and 172—Ennis: Provided for a maximum rate of 3 cents per mile for the carriage of passengers by public carriers. Provided for a maximum rate of $1.00 for distances of 100 miles or less per ton for coal in carload lots, and for distances over 100 miles. It seems as if the railroads were well taken care of by these rates.

H. B. 173—Ennis: Another bill to establish uniform rates for the carriage of freight.

H. B. 175—Bevan and H. B. 189—McShane: Provided for an inspector of metalliferous mines and defined his duties. The latter bill provided for the inspection of coal, hydro carbon, clay and metalliferous mines and quarries.

H. B. 180—Brown: Prohibited the hiring of vehicles for the carriage of voters to polling places. This

bill is a part of a Corrupt Practices act, and a very much needed part. It should have become law.

H. B. 182—Burton: Provided that members of the city commission be elected from precincts. This bill would take us back in part to the old council system. A city is hardly large enough to require representation from districts. The best men for the position in the city should be available regardless of where they live. If all live in one precinct that should not bar them from position if otherwise fitted. A man fitted for the position of commissioner should be sufficiently in touch with conditions all over town. He should not need to live in a particular part. On the other hand, precinct representation always breeds unhealthy political fights.

H. B. 241—Committee on Education: Authorizes and directs the Board of Regents of the University of Utah to conduct extension work throughout the State, to make a survey, to collect, tabulate and present data showing resources and bearing upon public questions and affecting generally the interests of the people.

H. B. 244—Committee on Public Health: Provided for the location of pest houses.

H. B. 248—Shields: Made discriminations by common carrier between shippers as to facilities or rates, punishable. The bill also dealt with the subject of joint rates.

H. B. 252—Lund: Provided for primary elections for the nomination of officers in cities of the first and second classes. The bill seems to intend a non-partisan primary. It makes the two competitors receiving the highest number of votes, candidates for the office for which they are running. The primary election really amounts to an elimination process.

H. B. 257—Labor Committee: Creating a Free Employment agency in Salt Lake City to be opened June 1st, 1915, and appropriated $600.00 for its establishment. In spite of the inadequate machinery which this bill provided it was pre-eminently a step in the right direction. If this legislature had given impetus to this idea of public free employment agencies it would have justified itself.

SOCIAL WORK: A CONSTRUCTIVE PROGRAM.

By Frank Dekker Watson, Associate Professor of Social Work, Haverford College, and Amey Eaton Watson, formerly of the Faculty of the University of Utah.

"Surely you're not a social worker?" queried our Socialist friend in tones betokening both doubt and astonishment. "Why not go to the root of all our social difficulties and rid ourselves of the one great cause, the capitalistic system of production?" he added without

waiting for a reply to his first question, doubtless believing that in one sentence he had silenced all defense of social work by consigning it, by inference at least, to the category of palliative reforms.

Since the attitude of this good Socialist friend is one often taken by those who style themselves "radicals," it has seemed to us that the day has arrived when those who hold that social work has a program both fundamental and constructive should give a reason for "the faith that is in them." Honest men cannot be silent when their most cherished ideals are at stake.

It is a commonplace to recall a truth so universal as to be often overlooked, viz., that many discussions would be ended before they begin if those parties to them used the same terminology. It is as often ignorance as honest difference of opinion that keeps groups separated. Whether there is too great a temperamental difference between those who adhere to the respective programs of socialism and social work for them ever to unite is interesting but not germane. Certain it is that much of the opposition to social work as voiced by the Socialist friend quoted above is founded on an important misconception of the purpose and program of the social worker and the basis in science on which he believes his program rests.

Instead of considering himself a reactionary or at best a conservative, the social worker claims that it is he who is the true radical if we use that term in its proper meaning. To be radical means to go to the root of the matter. The social worker sees all about him certain great social maladjustments, such as industrial accidents, preventable deaths, bad housing, cities poorly planned, the feeble-minded, the need for labor exchanges, etc., etc. These problems are fundamental because they underlie so many other social problems and because they would have to be dealt with in a Socialist state, a Single Tax state, an Anarchist state, or even in a new Jerusalem. Without waiting for the advent of this type of state or that type of state, the social worker with the true spirit of the radical, seizes the axe of scientific knowledge now in our possession and sets about to hew at the roots of these fundamental problems, leaving for others the building of Utopias.

The writers wish to present here the thesis that social work is a constructive program of social reform, which should be acceptable to all intelligent lovers of humanity today because it has a firm foundation in fact, utilizing the results of modern scientific research to attack basic problems and motivated in all its work by the highest human ideals. The term social work is variously defined. In his book, "Social Service and the Art of

Healing," one of the leaders of the movement, Dr. Richard Cabot of Boston, discusses social work as the "development of character under adversity." Dr. Edward T. Devine of New York, in his book, "The Spirit of Social Work," defines a social worker as "every man or woman who in any relation of life, professional, industrial, educational, or domestic; whether on salary or as a volunteer; whether on his own individual account or as a part of an organized movement, is working consciously, according to his light intelligently, and according to his strength persistently, for the promotion of the common welfare—the common welfare as distinct from that of a party or a class or a sect or a business interest or a particular institution or an individual."

In the following discussion, social work is used to describe all work which aims to develop individuals physically, mentally and morally in order to equip them for efficient citizenship in our present social order. Social workers seek to use forces at hand today in order to bring about better conditions tomorrow. They believe that human society can be changed only gradually so they seek to bring about these gradual changes day by day. Their ultimate goal, however, is a social democracy in which each individual shall be equipped with a sound physique at birth and in which each individual shall be given those opportunities which will develop the greatest possible number of his latent powers.

Social work is based in the four sciences: biology, psychology, (with its applied science, pedagogy) economics and medicine. From the science of biology, we learn that the origin of life lies in the germ-plasm made up of microscopic cells. The general fact of heredity is a corner stone of all forms of life. The offspring of a given family tend to resemble other members of the same family. A deeper study of heredity leads to the work of Weismann with its encouraging message that there is no proof that characteristics acquired by an individual during the lifetime are handed on to his descendants, or in other words, that the work of the environment does not affect the germ-plasm. A survey of the literature of the latest studies in heredity and eugenics teaches us that undoubtedly certain characteristics in man are inherited in direct accordance with a mathematical formula, the Mendelian law, and that a small per cent (possibly from 2 to 4) of our population enter life limted by these inborn handicaps which they can never overcome.

The lessons of the science of psychology supplement admirably those of biology. We learn that men are endowed by their inborn nature with certain instincts and that it is the working out of these instincts, as modi-

fied by the environment and as directed by intelligence, that results in all the achievements of men. The law of habit is one of the most fundamental laws of instincts, that every instinct which is exercised thereby becomes strengthened and more readily used again. Thus habits are built up that become in later life almost of equal importance with instincts. A study of individual differences is a vital contribution of psychology to the field of social work as we learn that no rule can be applied equally even to two individuals, but that all individuals vary so greatly that every case must be studied and judged on its own merits.

From the science of economics we gain one vital contribution as well as many minor ones. We learn that we are living today in an age of surplus rather than of deficit, that society as a whole is actually producing enough of the necessities of life for everyone to receive sufficient for a reasonable subsistence. Actually there is a vast amount of poverty (in the sense of economic insufficiency) in this country and abroad, even without the added sufferings brought on by the war and earthquakes. The poverty which existed before the war, however, is not the consequence of absolute dearth but is rather a maladjustment which is both preventable and curable. A very able discussion of this point is found in Hollander, Abolition of Poverty, page 27. An increase in national surplus, both absolute and relative to population involves pari passu with it the recognition of the fact that poverty can and should be abolished.

There is no one such striking contribution from the field of medicine, as we have found from the last science mentioned, but a number of contributions bear directly on the program of social work. First we may mention the germ theory of disease. This discovery made first by Pasteur in the last half of the 19th century, and verified by so many workers since, teaches us that certain contagious diseases can be avoided and in certain cases stamped out by the application of modern medical knowledge. Such knowledge is being applied hourly in the sanitation of our great cities and the departments of public health are combining with this other preventive measures which are cutting down the death rate in the great cities throughout the country, thus prolonging life and preventing much misery and suffering during the prime of life. Modern methods of sanitation, then, with the germ theory of disease are two contributions from medicine to social work.

In order to attain the social democracy, at which it is aiming, the program of social work seeks to apply this scientific knowledge directly to the problems of social reform. On the knowledge gained from each of these sciences, it builds four distinct planks of its program.

(1) **The Contribution of Biology.** Only a small part of the program of social work is based on the knowledge that biology gives. Too little is actually known of the science of heredity to lay down a definite eugenic program. The program of social work does believe, however, that as certain defects do seem positively to be inherited, those bearing such defects should be segregated in order that they may not become parents. Society should positively take steps to prevent the birth of those congenitally handicapped. Further research work must be carried on in the field of human heredity and as soon as knowledge is surely gained, it must be applied in all ways possible for the improvement of the race. Public opinion must be educated in accordance with the eugenic ideal which demands that the fit shall not shirk marriage; that fitness shall be considered in choosing a mate and that the rearing of a family of sound children shall be considered the normal purpose and result of marriage.

(2) **The Contribution of Psychology.** There is no stronger force for social reform than that of education. Lester F. Ward in his Dynamic Sociology states that the effort of mankind to work out a systematic, predetermined and successful scheme for the equal distribution of the extant knowledge of the world is "the loftiest flight of inventive art" which the human race is capable of making. The work of education depends on the science of psychology; it is the effort to provide every individual with that environment which will draw out those powers with which he individually was endowed by nature. This means that education must be universal, for rich as well as poor, for the defective as well as for the normal, for old as well as for young. It means that education must be more highly individualized in order to meet the particular need of the many varying individuals. If education is to be adequate, every single individual in our social system must receive individual instruction to fit him to take his place in producing the wealth needed by society. Special classes must be formed for the exceptional child, both forward and backward. Vocational guidance must increasingly be carried on in our educational system for the normal child. Education cannot stop at a given age or at a given point in the individual's development but it must be carried on throughout life. One way in which society can and must furnish such education is by the wider use of the school plant, the utilization of means already at hand to diffuse knowledge among all types and all ages of people. Our state colleges through their extension departments must carry knowledge to the farmer, the homemaker, the parent and to all types of workers. There is no greater evil in society today than the unequal distribution of knowledge. Equality of education will do much to establish equality of power

and thus break down the social classes which exist in society.

(3) **The Contribution of Economics.** We are living today in an age of social surplus. Poverty can and must be abolished. What are the means we are to take to bring about this end and what steps shall we take to put these means into operation? Through vocational education the efficiency of all normal workers must be insured; every industry must be prohibited from paying less than a minimum wage to all such workers—enough to insure to all of them those necessities of life which will enable them to maintain physical efficiency. All industries which cannot pay such a wage must be forced to the wall to make way for those that can. Defective persons must be segregated so that they will not come into competition with normal workers. Under present conditions, the normal worker is sometimes unable to secure an economically sufficient wage. His position in industrial bargaining must be strengthened by trades-unions, the organization of labor for purposes of collective bargaining. He must also be protected against unemployment by means of public employment exchanges, measures of preventing or supplementing seasonal trade and by insurance against unemployment. When all these means have been taken, if there are still left some who are unemployable at economically sufficient wages, whether the cause is physical infirmity or some other reason, one more measure may be taken, that of adoption by the state of systems of compulsory insurance against industrial accident, sickness, and old age. Such measures as the above, worked out carefully so that all harmonize with each other for the common welfare, should guarantee to all enough to keep them from actual poverty. There are many, who, even so, would receive only the barest necessities and in the ideal social democracy, the social worker could not be content with such a condition of affairs. At the present time, there is in existence a large social surplus which is actually the surplus earnings of society at large throughout the past. At present such a surplus is held by a small group of the favored classes who usually pass on this surplus by inheritance to those of their immediate family, or use it in private benevolence for the good of their fellow men. The program of social work would demand that this social surplus should be socialized; that by taxation and other means, it should be diverted from its present holders and turned into channels which would be more productive of social welfare. This socialization of the social surplus is one of the most important ways by which the social worker plans to abolish poverty and to open for all a more equal opportunity for development. The social

surplus should be used to improve school facilities, to provide adequate recreational facilities, to do all those things which the average individual cannot do for himself but which society can do and would gain by doing both for its individual members and for society as a whole.

(4) **The Contribution of Medicine.** A change of concept is gradually coming about in regard to the use of physicians. In times past they were called in only for cases of actual sickness; today they are consulted by well persons in order to keep themselves well. The doctor of the past dealt with social pathology, largely. The doctor of today and of the future deals equally with social hygiene and social pathology. This conception can be extended to include the broader field of public health. The science of medicine has given man the knowledge and the power now lies in his hands. A positive program can and should be carried on in every city to stamp out every kind of preventable sickness now present, and to take all possible steps to guard against the development of sickness in the future. The sources of contagion must be controlled, and the public must be educated in those measures which will lead to hygienic living. The movement for the prevention of infant mortality must be pushed; society must continue its war against tuberculosis and a new war, now in its incipiency, must be waged against the racial poisons which pollute life at the very source of its stream. All preventable sickness is to be warded off; all preventable deaths done away with. Man will then live to ripe old age without unnecessary hardship and suffering.

Such are some of the more important reforms advocated by those who believe in the program of social work. Such an application of science to the problems of human evolution must however be made in a spirit in harmony with the highest human ideals. Science is sometimes considered hard and cold, not sympathetic and loving. With scientific knowledge, such as has been indicated above, must go that human love or charity which is the fundamental basis of all healthful living. Science, linked with love in the service of mankind, recognizes the infinite value of every individual. The result will be the development of a true religion of humanity, a human brotherhood where each serves all and all serve each.

THE CAUSES OF DEAFNESS AND BLINDNESS.

By Frank M. Driggs, Superintendent Utah School for the Deaf and the Blind.

We are coming more and more to realize the necessity of a more careful study of children. We are devoting a greater amount of time to the study of the exceptional child. In this study we are learning some things

which should help us to solve better the problems of educating these exceptional children. This seems to be a time for more thoughtful study of causes, effects and remedies in many lines of endeavor. Such study ought to enable us to do the work better that lies before us. A study of the causes that produce deafness and blindness should assist us in the work of preventing deafness and blindness among our children. If a study of this problem would result in a reduction of the number of the deaf and blind children in the next generation, then we should by all means give serious consideration to the question. That there is here an opportunity to accomplish some good and beneficial results, I am confident.

A study of the causes of deafness and blindness brings forth the fact that the census reports and the information obtained through the schools for the deaf and the blind are incomplete and far from accurate. The census enumerators have undoubtedly done their work well. The heads of the various schools have been careful. The primary cause of the inaccuracy is due to the fact that many parents do not know the real cause of the deafness and the blindness of their children, or if they do know, they fail to give the desired information. It is often impossible to obtain from parents or guardians any reliable information, any actual cause of deafness or blindness, or any accurate knowledge of their ancestry with or without reference to defects on either side of the family tree. Very often the causes given are absurd and unsatisfactory. We can, however, from the census figures and from other reports, obtain sufficient data to draw some interesting conclusions.

Deafness a Symptom.

Dr. G. Hudson Makuen, an eminent authority on deafness, causes and prevention, says: "Deafness is a symptom and not a disease, and just as long as the human organism is subject to disease, just so long will there be the symptoms or results of disease, of which deafness is a type. There are two kinds of deafness, viz., that which is part of the inheritance of the child, or congenital deafness, and that which is the result of disease later on, or acquired deafness. This is a more or less arbitrary division, for nearly all deafness is acquired either before or after birth, and the child inherits merely a tendency to the acquisition of certain morbid conditions which result in deafness and which may be of either prenatal or postnatal development."

Eliminating "Dumb" and "Mute."

The term "the deaf" is and should be applied to the whole class of deaf persons. Some people use the term "the deaf and dumb;" others, "deaf-mutes" and others, "mutes." The first of these terms, "the deaf" is preferable. Time was when schools for the education of the deaf were known as asylums for the deaf and dumb, deaf-mute institutions and institutions for the instruction of the deaf and dumb. During recent years nearly all such

institutions have had their titles changed, by special legislative enactment, so as to be termed Schools for the Deaf and State Schools for the Deaf. The words "dumb" and "mute" are fast being eliminated, because nearly all deaf children are no longer dumb or mute, and because of the suggestive influence and inference that the words "asylum," "institutions," "dumb," and "mute" have upon the general public. We have then this classification: (1) the deaf, meaning the whole class of deaf people; (2) the congenitally deaf, those who are born deaf or lose their hearing in very early infancy and are thought to have been so born; (3) the adventiously deaf, those who acquire deafness after birth, usually in early childhood. There are various degrees of deafness, from the person who is slightly hard-of-hearing to the one who is totally deaf. With the blind as with the deaf there are various degrees of sight. There are those who are in total darkness; those who see light; those who see forms; those who see small objects and so on even to those of us who having eyes see not. We speak of the whole class of blind persons as "the blind;" of those who do not see at all as "the totally blind," and those who have some sight as "the partially blind." There are also "the congenitally blind," those so born, and "the non-congenital," those who acquire blindness.

Census Reports.

From a report by Dr. E. A. Fay, an authority on the causes of deafness, we learn that the census reports from fifteen countries in Europe give more cases of congenital than acquired deafness. The census reports of the United State of 1880 give a similar report, yet the difference is not so great. In the same statistics we find that the reported cases from twenty European and seventeen American schools for the deaf show an excess of acquired deafness.

From my own figures, from reports received from schools for the deaf this year, and including more than 8,000 deaf children, 32 per cent are reported as congenitally deaf, 14 per cent with no known cause, and the rest, 54 per cent, as being adventiously deaf. A comcomplete summary of the causes as reported will be given later.

Some Remarkable Causes.

From the twelfth census we find that there were in the United States 89,287 deaf persons. The causes of deafness in 10,115 cases were unknown. In a great many other cases the causes assigned were vague and unsatisfactory; as, for example, "sickness, 2,143; fever, 1,436; medicine, 205; headache, 136; hard work, 101." In addition to these there were a great many, more than 1,500, queer and unreliable causes, such as "caused by milk of diseased cow, drinking castor oil, hot winds, stiff necks, chewing paper and speaking loudly in the ear, toothache, bitten by rat, driving government teams on the plains, worms, worry, etc." In this connection I recall a conversation with the mother of two deaf girls. I had asked the cause of the younger child's deafness. Her reply was, "Association with her deaf sister." She went on to explain that the younger girl could hear and speak all right, but that when old enough to realize that her older sister could not hear or speak she, wishing to be like her sister,

thereafter refused to hear and ceased to talk. In looking up this girl's record I find the above cause assigned. In the case of the man becoming deaf from driving government mules across the plains we might trace a cause. He could have caught cold, contracted catarrh, and developed a diseased condition of the middle ear and finally have become totally deaf. But to trace cause and effect through "association with a deaf sister," I cannot.

Hereditary Deafness.

Now, as to the causes of deafness: First, congenital deafness:

Dr. G. Hudson Makuen says that about 50 per cent of congenital deafness is the direct product of consanguineous and deaf-mute marriages.

Dr. E. A. Fay and Dr. Alexander Graham Bell both agree that there is a hereditary tendency toward deafness through consanguinity, and that the possession of deaf relatives is a most important element in determining the production of deaf offspring.

Mr. Stoddard Goodhue, in a recent issue of the Cosmopolitan, has this to say: "There is danger in cousins marrying. Consider this complication. A young man falls in love with his cousin, and they ignore the fact that one of their common grandparents was deaf. The two cousins marry and have four children, of whom two are born deaf.

"Here the hereditary defect skipped two generations, and there is reason to suppose that it would not have reappeared but for the union of cousins. The justification for this belief is found in the fact that deafness may be due to a great many different conditions: The marriage of unrelated deaf-mutes results in deafness in only about one-fourth of the offspring. (Other authorities give a lower percentage than this.) But when the parents are related—belonging therefore to the same type or strain of deafness—the percentage of marriages yielding deaf children increases in proportion to the closeness of the relationship of the parents. In one case, where the marriage partners were nephew and aunt, 75 per cent of the children were deaf."

The very fact that the marriage of persons having the same defects intensifies these defects, in the union of the strains that carry them, makes it seem imperative that congenitally deaf persons should not marry other congenitally deaf persons. Especially is this true where there is a positive hereditary tendency toward deafness.

I am sure also that congenitally blind persons should not be permitted to marry other congenitally blind and reproduce their kind.

In the Utah School for the Blind are three little children with very defective vision directly traceable to the father and grandfather. Here surely is food for thought and action.

There are in Utah quite a number of deaf married couples, perhaps thirty such unions. In three instances both partners are congenitally deaf. In about twenty cases one of the partners is congenitally deaf. Two-thirds of these thirty couples have children, and in only one instance is deafness found in the families of both parents.

Dr. Fay says, "While the principle of heredity is

clearly established as an indirect cause of deafness, it is a curious fact that, in a great majority of cases, the defect is not transmitted by deaf parents to their children. Statistics have shown that many married deaf have no deaf children, and that, with deaf parents as with hearing parents, hearing children are the rule, deaf children the exception; but they also show, especially when a large number of such cases are brought together, that the proportion of these exceptions, with deaf parents, is far greater than with hearing parents. Yet the proportion of deaf children, to the whole number of such children, is greater than the proportion of the deaf to the whole population."

Scrofula seems to have an indirect effect or to be the cause of deafness in many cases. The fact that many deaf children show traces of scrofula leads many authorities to consider this a cause of deafness.

From the United States Census (1900), Table XXXVIII and Diagram 33, we obtain from the classified cases the following principle causes:

Scarlet fever	7,424	
Disease of ear	4,210	
Measles	2,469	
Influenza	1,776	
Catarrh	11,702	
Colds	5,074	
Malarial fever and quinine	1,636	
Meningitis	3,991	
Brain fever	2,013	
Typhoid fever	2,055	
		40,350
Minor causes	7,617	
Aggregate classified		47,967

And from Diagram 34 we get from the unclassified cases the following:

Congenital	14,472	
Old age	3,361	
Military service	3,242	
Falls and blows	2,243	
Sickness	2,143	
Fever	1,436	
Hereditary	909	
		27,806
Minor causes	3,399	
Aggregate classified		31,205

The following table gives the causes as given in the recent reports I have received from the superintendents of a number of schools for the deaf of America:

Congenital	2,570	.319
Unknown	1,119	.139
Meningitis	851	.105
Scarlet fever	629	.078
Brain fever	372	.046
Measles	233	.028
Accidents	210	.210
Typhoid	158	.019

Whooping cough	152	.019
Catarrh	140	.017
Diphtheria	61	.007
La Grippe	47	.006
Miscellaneous	1,514	.19
Total	8,056	1.000

As to the causes of blindness. From our most reliable sources we find that there are in the United States about 65,000 blind persons. Of these 57 per cent are males and 43 per cent females. There is slightly more total than partial blindness. From the census returns we find eighty-five blind persons in every 100,000 of the population. An interesting fact discovered is that the number of blind pro ratio is considerably greater among the foreign born than among the native born. The proportions are 63.7 and 41.8. Another interesting fact is that one-third of the totally blind and one-half of the partially blind lose their sight under twenty years of age, in other words 20,000 of the 65,000 blind in the United States become blind before twenty years of age. "Of the 20,704 persons who were blind from childhood, 4,728 were born blind, about 23 per cent. The other principal causes were injuries, accidents, and operations, 2,295; sore eyes, 1,753; cataract, 942; measles, 841; scrofula, 725. Cataract, injuries, accidents, operations, old age, affections of the nervous apparatus, military service, sore eyes, and neuralgia were the principal causes of blindness among adults."

We find also that more than 7,000, 11.4 per cent of the total number of blind persons, were blind at birth or became so under one year of age. "Also that in more than 25 per cent of these cases the cause of blindness was probably opthalmia neonatorum, or 'blind babies' sore eyes' since other diseases of the eye causing blindness under one year of age are extremely rare. The importance of these figures lies in the fact that this disease, which is very malignant and which attacks the infant at birth or immediately after, and almost always results in total destruction of the sight, usually of both eyes, or in very seriously impaired vision, is now considered preventable and if proper measures had been instituted at the time of birth few or none of these cases would have occurred."

Some Interesting Facts.

From the census reports, statistics, and tables, and from the authorities already quoted, I find the following interesting facts:

First. The largest proportion deaf from the classified causes is found in Maine, New Hampshire and Vermont.

Second. The largest ratio of congenital deaf are found in a group of states comprising Kentucky, Tennessee, Virginia and North Carolina; also Maine. The largest percentage is found in the state of North Carolina.

Third. A strange coincidence is that those sections having the least sunshine have the largest ratios of deafness from affections of the middle ear.

Fourth. The congenitally deaf form the mass of those who lost hearing before the age of two years, and among the non-congenital cases, scarlet fever, diseases of

ear, measles, meningitis, and brain fever seem to predominate over other causes assigned.

Fifth. Between the ages of two and five we find that scarlet fever and meningitis are the principal causes of deafness. Disease of the ear and brain fever are next in importance. Sixty-five per cent of the cases due to brain fever occur before the age of five.

Sixth. Scarlet fever is the leading cause of deafness between the ages of five and ten.

Seventh. No single cause seems to predominate between ten and fifteen.

Eighth. Catarrh becomes the leading cause of all deafness after fifteen years of age.

Ninth. Congenital deafness occurs exclusively at birth or in early infancy. Practically all deafness from catarrh comes in adult life. Ninety per cent of all deafness from scarlet fever, meningitis, and brain fever, more than 75 per cent of deafness from measles, and 65 per cent of deafness from diseases of the ear occurs in childhood.

Tenth. One-third of all deaf children have some deaf relatives; 19 per cent of all blind.

Eleventh. The percentage of born deaf, and deaf from "hereditary" causes is greater among those who have deaf relatives than among those who have not.

Twelfth. The percentage of congenitally deaf is nearly three times as great among those whose parents were cousins as among those whose parents were not.

Conclusions Derived.

Without wearying you with more data and other figures, I shall present my conclusions:

(1) There is much need of the study of eugenics, the gathering of data concerning the presence of deafness and blindness in the ancestry of the children in schools for the deaf and blind.

(2) There is need of more careful records of the causes of deafness and blindness.

(3) There is need of more careful records of the marriages of deaf and blind persons and their offspring.

(4) There is need of laws preventing the marriage of persons where both families have the same defective strains or defective hereditary tendencies.

(5) There is need of more careful selection of the parents of our children, if we would prevent congenital and hereditary deafness and blindness.

(6) There is need of more scientific nursing and medical attention with the children who contract the diseases that frequently cause deafness and blindness.

(7) There is need of strict observance and obedience by physicians, midwives and nurses to the special law designed for the prevention of blind babies.

Finally, I believe we are at the beginning of a period when more attention is to be paid to the study of eugenics and to the breeding of more perfect human beings. The day is dawning when there shall be greater co-operation between the teachers and the doctors in the study of children, causes of defect, prevention of disease, and hereditary tendencies. May we not rejoice in the coming of this day, in the hope that it will bring to the children of tomorrow fewer sorrows, fewer handicaps, and fewer sins from generations of yesterday and today, and leave as our heritage a more perfect race, a better world.